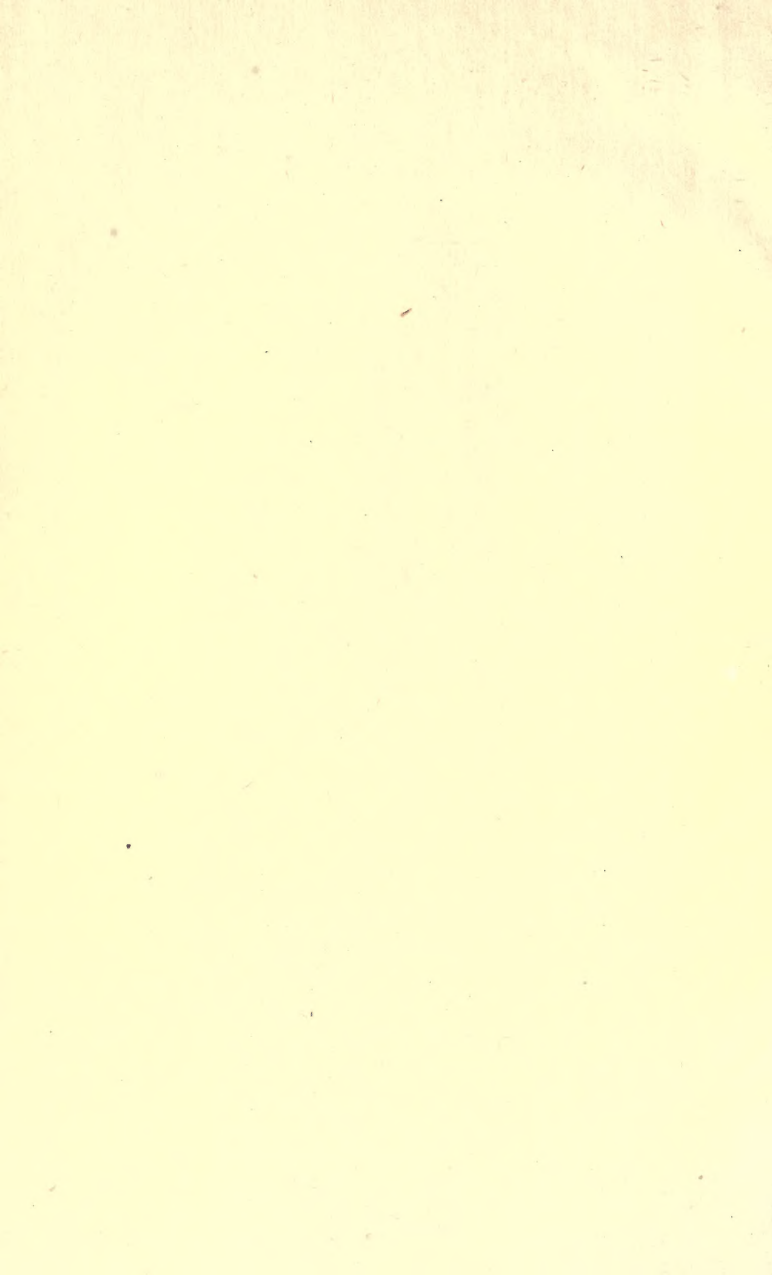


THE STORY OF  
NEWFOUNDLAND

LORD  
BIRKENHEAD







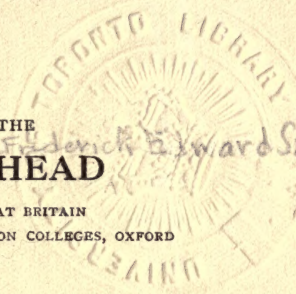


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# THE STORY OF NEWFOUNDLAND

BY THE RIGHT HON. THE  
**LORD BIRKENHEAD**

LORD HIGH CHANCELLOR OF GREAT BRITAIN  
HONORARY FELLOW OF WADHAM AND MERTON COLLEGES, OXFORD



NEW AND ENLARGED EDITION

LONDON  
**HORACE MARSHALL & SON**  
TEMPLE HOUSE AND 125 FLEET STREET, E.C.

1920

159268.  
14.2.21.



*Printed in Great Britain  
by Turnbull & Spears, Edinburgh*

## PREFACE

TWENTY-TWO years ago the enterprise of Horace Marshall & Son produced a series of small books known as "The Story of the Empire Series." These volumes rendered a great service in bringing home to the citizens of the Empire in a simple and intelligible form their community of interest, and the romantic history of the development of the British Empire.

I was asked more than twenty-one years ago to write the volume which dealt with Newfoundland. I did so. The little book which was the result has been for many years out of print. I have been asked by my friends in Newfoundland and elsewhere to bring it up to date for the purpose of a Second Edition. The publishers assented to this proposal, and this volume is the result.

The book, of course, never pretended to be anything but a slight sketch. An attempt has been made—while errors have been corrected and the



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subject matter has been brought up to date—to maintain such character as it ever possessed.

I shall be well rewarded for any trouble I have taken if it is recognized by my friends in Newfoundland that the reproduction of this little book places on record an admiration for, and an interest in, our oldest colony which has endured for considerably more than twenty-one years.

BIRKENHEAD.

HOUSE OF LORDS,

*May 1920.*



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# THE STORY OF NEWFOUNDLAND

## CHAPTER I

### THE LAND AND ITS PEOPLE

THE island of Newfoundland, which is the tenth largest in the world, is about 1640 miles distant from Ireland, and of all the American coast is the nearest point to the Old World. Its relative position in the northern hemisphere may well be indicated by saying that the most northern point at Belle Isle Strait is in the same latitude as that of Edinburgh, whilst St. John's, near the southern extremity, lies in the same latitude as that of Paris. Strategically it forms the key to British North America. St. John's lies about half-way between Liverpool and New York, so that it offers a haven of refuge for needy craft plying between England and the American metropolis. The adjacent part of the coast is also the landing-place for most of the Transatlantic cables: it was at St. John's, too, that the first wireless ocean signals were received. From the sentimental point of view Newfoundland is the oldest of the English colonies, for our brave fishermen were familiar with its



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banks at a time when Virginia and New England were given over to solitude and the Redskin. Commercially it is the centre of the most bountiful fishing industry in the world, and the great potential wealth of its mines is now beyond question. On all these grounds the story of the colony is one with which every citizen of Greater Britain should be familiar. The historians of the island have been capable and in the main judicious, and to the works of Reeves, Bonnycastle, Pedley, Hatton, Harvey, and above all Chief Justice Prowse, and more recently to J. D. Rogers,<sup>1</sup> every writer on Newfoundland must owe much. Of such elaborate work a writer in the present series may say with Virgil's shepherd, "Non invideo, miror magis"; for such a one is committed only to a sketch, made lighter by their labours, of the chief stages in the story of Newfoundland.

To understand that story a short account must be given at the outset of the situation and character of the island. But for the north-eastern side of the country, which is indented by deep and wide inlets, its shape might be roughly described as that of an equilateral triangle. Its area is nearly 43,000 square miles, so that it is larger than Scotland and considerably greater than Ireland, the area of which is 31,760 square miles. Compared to some of the smaller states of Europe, it is found to be

<sup>1</sup> "A Historical Geography of the British Colonies." Vol. v. Part 4. Newfoundland. (Oxford, 1911.)



twice as large as Denmark, and three times as large as Holland. There is only a mile difference between its greatest length, which from Cape Ray, the south-west point, to Cape Norman, the northern point, is 317 miles, and its greatest breadth, from west to east, 316 miles from Cape Spear to Cape Anguille. Its dependency, Labrador, an undefined strip of maritime territory, extends from Cape Chidley, where the Hudson's Straits begin in the north, to Blanc Sablon in the south, and includes the most easterly point of the mainland. The boundaries between Quebec and Labrador have been a matter of keen dispute. The inhabitants are for the most part Eskimos, engaged in fishing and hunting. There are no towns, but there are a few Moravian mission stations.

The ruggedness of the coast of Newfoundland, and the occasional inclemency of the climate in winter, led to unfavourable reports, against which at least one early traveller raised his voice in protest. Captain Hayes, who accompanied Gilbert to Newfoundland in 1583, wrote on his return :

“ The common opinion that is had of intemperation and extreme cold that should be in this country, as of some part it may be verified, namely the north, where I grant it is more colde than in countries of Europe, which are under the same elevation ; even so it cannot stand with reason, and nature of the clime, that the south parts should be so intemperate as the bruit has gone.”

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Notwithstanding the chill seas in which it lies, Newfoundland is not in fact a cold country. The Arctic current lowers the temperature of the east coast, but the Gulf Stream, whilst producing fogs, moderates the cold. The thermometer seldom or never sinks below zero in winter, and in summer extreme heat is unknown. Nor is its northerly detachment without compensation, for at times the *Aurora borealis* illumines the sky with a brilliancy unknown further south. A misconception appears to prevail that the island is in summer wrapped in fog, and its shores in winter engirt by ice. In the interior the climate is very much like that of Canada, but is not so severe as that of western Canada or even of Ontario and Quebec. The sky is bright and the weather clear, and the salubrity is shown by the healthy appearance of the population.

The natural advantages of the country are very great, though for centuries many of them were strangely overlooked. Whitbourne, it is true, wrote with quaint enthusiasm, in the early sixteenth century: "I am loth to weary thee (good reader) in acquainting thee thus to those famous, faire, and profitable rivers, and likewise to those delightful large and inestimable woods, and also with those fruitful and enticing hills and delightful vallies." In fact, in the interior the valleys are almost as numerous as Whitbourne's adjectives, and their fertility promises a great future for agriculture when the railway has done its work.

The rivers, though "famous, faire, and profitable," are not overpoweringly majestic. The largest are the Exploits River, 200 miles long and navigable for some 30 miles, and the Gander, 100 miles long, which—owing to the contour of the island—flows to the eastern bays. The deficiency, however, if it amounts to one, is little felt, for Newfoundland excels other lands in the splendour of its bays, which not uncommonly pierce the land as far as sixty miles. The length of the coast-line has been calculated at about 6000 miles—one of the longest of all countries of the world relatively to the area. Another noteworthy physical feature is the great number of lakes and ponds; more than a third of the area is occupied by water. The largest lake is Grand Lake, 56 miles long, 5 broad, with an area of nearly 200 square miles. The longest mountain range in the island is about the same length as the longest river, 200 miles; and the highest peaks do not very greatly exceed 2000 feet.

The cliffs, which form a brown, bleak and rugged barrier round the coasts of Newfoundland, varying in height from 300 to 400 feet, must have seemed grim enough to the first discoverers; in fact, they give little indication of the charming natural beauties which lie behind them. The island is exuberantly rich in woodland, and its long penetrating bays, running in some cases eighty to ninety miles inland, and fringed to the water's edge, vividly

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recall the more familiar attractiveness of Norwegian scenery. Nor has any custom staled its infinite variety, for as a place of resort it has been singularly free from vogue. This is a little hard to understand, for the summer climate is by common consent delightful, and the interior still retains much of the glamour of the imperfectly explored. The cascades of Rocky River, of the Exploits River, and, in particular, the Grand Falls, might in themselves be considered a sufficient excuse for a voyage which barely exceeds a week.

Newfoundland is rich in mineral promise. Its history in this respect goes back only about sixty years: in 1857 a copper deposit was discovered at Tilt Cove, a small fishing village in Notre Dame Bay, where seven years later the Union Mine was opened. It is now clear that copper ore is to be found in quantities almost as inexhaustible as the supply of codfish. There are few better known copper mines in the world than Bett's Cove Mine and Little Bay Mine; and there are copper deposits also at Hare Bay and Tilt Cove. In 1905-6 the copper ore exported from these mines was valued at more than 375,000 dollars, in 1910-11 at over 445,000 dollars. The value of the iron ore produced in the latter period was 3,768,000 dollars. It is claimed that the iron deposits—red hematite ore—are among the richest in the world. In Newfoundland, as elsewhere, geology taught capital where to strike, and when the interior is more



perfectly explored it is likely that fresh discoveries will be made. In the meantime gold, lead, zinc, silver, talc, antimony, and coal have also been worked at various places.

A more particular account must be given of the great fish industry, on which Newfoundland so largely depends, and which forms about 80 per cent. of the total exports. For centuries a homely variant of Lord Rosebery's Egyptian epigram would have been substantially true : Newfoundland is the codfish and the codfish is Newfoundland. Many, indeed, are the uses to which this versatile fish may be put. Enormous quantities of dried cod are exported each year for the human larder, a hygienic but disagreeable oil is extracted from the liver to try the endurance of invalids ; while the refuse of the carcase is in repute as a stimulating manure. The cod fisheries of Newfoundland are much larger than those of any other country in the world ; and the average annual export has been equal to that of Canada and Norway put together. The predominance of the fishing industry, and its ubiquitous influence in the colony are vividly emphasised by Mr Rogers <sup>1</sup> in the following passage, though his first sentence involves an exaggerated restriction so far as modern conditions are concerned :

“ Newfoundlanders are men of one idea, and that idea is fish. Their lives are devoted to the sea and

<sup>1</sup> *Op. cit.*, p. 192.

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its produce, and their language mirrors their lives ; thus the chief streets in their chief towns are named Water Street, guides are called pilots, and visits cruises. Conversely, land words have sea meanings, and a ' planter,' which meant in the eighteenth century a fishing settler as opposed to a fishing visitor, meant in the nineteenth century—when fishing visitors ceased to come from England—a shipowner or skipper. The very animals catch the infection, and dogs, cows, and bears eat fish. Fish manures the fields. Fish, too, is the main-spring of the history of Newfoundland, and split and dried fish, or what was called in the fifteenth century stock-fish, has always been its staple, and in Newfoundland fish means cod."

The principal home of the cod is the Grand Newfoundland Bank, an immense submarine island 600 miles in length and 200 in breadth, which in earlier history probably formed part of North America. Year by year the demand for codfish grows greater, and the supply—unaffected by centuries of exaction—continues to satisfy the demand. This happy result is produced by the marvellous fertility of the cod, for naturalists tell us that the roe of a single female—accounting, perhaps, for half the whole weight of the fish—commonly contains as many as five millions of ova. In the year 1912-13 the value of the exported dried codfish alone was 7,987,389 dollars, and in 1917 the total output of the bank and shore cod

fishery was valued at 13,680,000 dollars ; and at a time when it was incomparably less, Pitt had thundered in his best style that he would not surrender the Newfoundland fisheries though the enemy were masters of the Tower of London. So the great Bacon, at a time when the wealth of the Incas was being revealed to the dazzled eyes of the Old World, declared, with an admirable sense of proportion, that the fishing banks of Newfoundland were richer far than the mines of Mexico and Peru.

Along the coasts of Norfolk and Suffolk the cod-fish is commonly caught with hook and line, and the same primitive method is still largely used by colonial fishermen. More elaborate contrivances are growing in favour, and will inevitably swell each year's returns. Nor is there cause to apprehend exhaustion in the supply. The ravages of man are as nothing to the ravages and exactions of marine nature, and both count for little in the immense populousness of the ocean. Fishing on a large scale is most effectively carried on by the Baltow system or one of its modifications. Each vessel carries thousands of fathoms of rope, baited and trailed at measured intervals. Thousands of hooks are thus distributed over many miles, and the whole is suitably moored. After a night's interval the catch is examined.

In 1890 a Fisheries Commission was established for the purpose of conducting the fisheries more

efficiently than had been the case before. Modern methods were introduced, and the artificial propagation of cod and also of lobsters was begun. In 1898 a Department of Marine and Fisheries was set up, and with the minister in charge of it an advisory Fisheries Board was associated.

Though the cod-fishery is the largest and the most important of the Newfoundland fisheries, the seal, lobster, herring, whale and salmon fisheries are also considerable, and yield high returns. As to all these fisheries, the right to make regulations has been placed more effectively in the hands of Great Britain by the Hague arbitration award, which was published in September 1910, and which satisfied British claims to a very large extent.

A pathetic chapter in the history of colonization might be written upon the fate of native races. A great English authority on international law (Phillimore) has dealt with their claims to the proprietorship of American soil in a very summary way.

"The North American Indians," he says, "would have been entitled to have excluded the British fur-traders from their hunting-grounds; and not having done so, the latter must be considered as having been admitted to a joint occupation of the territory, and thus to have become invested with a similar right of excluding strangers from such portions of the country as their own industrial operations covered."



It is better to say frankly that the highest good of humanity required the dispossession of savages ; and it is permissible to regret that the morals and humanity of the pioneers of civilization have not always been worthy of their errand.

It rarely happens that the native, as in South Africa, has shown sufficient tenacity and stamina to resist the tide of the white aggression : more often the invaders have gradually thinned their numbers. The Spanish adventurers worked to death the soft inhabitants of the American islands. Many perished by the sword, many in a species of national decline, the wonders of civilization, for good and for bad, working an obsession in their childish imaginations which in time reacted upon the physique of the race.

Sebastian Cabot has left a record of his standard of morality in dealing with the natives. When he was Grand Pilot of England it fell to his lot to give instructions to that brave Northern explorer, Sir Hugh Willoughby :

“ The natives of strange countries,” he advises, “ are to be enticed aboard and made drunk with your beer and wine, for then you shall know the secrets of their hearts.” A further practice which may have caused resentment in the minds of a sensitive people, was that of kidnapping the natives to be exhibited as specimens in Europe.

The natives of Newfoundland were known distinctively as Boeothics or Beothuks (a name

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probably meaning red men), who are supposed to have formed a branch of the great Algonquin tribe of North American Indians, a warlike race that occupied the north-eastern portion of the American continent. Cabot saw them dressed in skins like the ancient Britons, but painted with red ochre instead of blue woad. Cartier, the pioneer of Canadian adventure, who visited the island in 1534, speaks of their stature and their feather ornaments. Hayes says in one place: "In the south parts we found no inhabitants, which by all likelihood have abandoned these coasts, the same being so much frequented by Christians. But in the north are savages altogether harmless." Whitbourne, forty years later, gives the natives an equally good character: "These savage people being politikely and gently handled, much good might be wrought upon them: for I have had apparant proofes of their ingenuous and subtle dispositions, and that they are a people full of quicke and lively apprehensions.

"By a plantation" [in Newfoundland] "and by that means only, the poore mis-beleeving inhabitants of that country may be reduced from barbarism to the knowledge of God, and the light of his truth, and to a civill and regular kinde of life and government."

The plantation came, but it must be admitted that the policy of the planters was not, at first sight, of a kind to secure the admirable objects

indicated above by King James's correspondent. In fact, for hundreds of years, and with the occasional interruptions of humanity or curiosity, the Boeothics were hunted to extinction and perversely disappeared, without, it must be supposed, having attained to the "civill and regular kinde of life" which was to date from the plantation.

As lately as 1819 a "specimen" was procured in the following way. A party of furriers met three natives—two male, one female—on the frozen Red Indian Lake. It appeared later that one of the males was the husband of the female. The latter was seized; her companions had the assurance to resist, and were both shot. The woman was taken to St. John's, and given the name of May March; next winter she was escorted back to her tribe, but died on the way. These attempts to gain the confidence of the natives were, perhaps, a little brusque, and from this point of view liable to misconstruction by an apprehensive tribe. Ironically enough, the object of the attempt just described was to win a Government reward of £100, offered to any person bringing about a friendly understanding with the Red Indians. Another native woman, Shanandithit, was brought to St. John's in 1823 and lived there till her death in 1829. She is supposed to have been the last survivor. Sir Richard Bonnycastle, who has an interesting chapter on this subject, saw her

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miniature, which, he says, "without being handsome, shows a pleasing countenance."

Before closing this introductory chapter a few figures may be usefully given for reference to illustrate the present condition of the island.<sup>1</sup> At the end of 1917 the population, including that of Labrador, was 256,500, of whom 81,200 were Roman Catholics and 78,000 members of the Church of England. The estimated public revenue for the year 1917-18 was 5,700,000 dollars; the estimated expenditure was 5,450,000 dollars. In the same year the public debt was about 35,450,000 dollars. The estimated revenue for 1918-19 was 6,500,000 dollars; expenditure, 5,400,000 dollars. In 1898 the imports from the United Kingdom amounted to £466,925, and the exports to the United Kingdom to £524,367. In the year 1917-18 the distribution of trade was mainly as follows: imports from the United Kingdom, 2,248,781 dollars; from Canada, 11,107,642 dollars; from the United States, 12,244,746 dollars; exports to the United Kingdom, 3,822,931 dollars; to Canada, 2,750,990 dollars; to the United States, 7,110,322 dollars. The principal imports in 1916-17 were flour, hardware, textiles, provisions, coal, and machinery; the chief exports were dried cod,

<sup>1</sup> In view of the nature and object of the present book, only a few figures can be given here; fuller information can easily be obtained in several of the works referred to herein, and more particularly in the various accessible Year Books.



pulp and paper, iron and copper ore, cod and seal oil, herrings, sealskins, and tinned lobsters. In 1917 there were 888 miles of railway open, of which 841 were Government-owned ; and there are over 4600 miles of telegraph line. The tonnage of vessels entered and cleared at Newfoundland ports in 1916-17 was 2,191,006 tons, of which 1,818,016 tons were British. The number of sailing and steam vessels registered on December 31st, 1917, was 3496.

## CHAPTER II

### THE AGE OF DISCOVERY (1497-1502)

"If this should be lost," said Sir Walter Raleigh of Newfoundland, "it would be the greatest blow that was ever given to England." The observation was marked by much political insight. Two centuries later, indeed, the countrymen of Raleigh experienced and outlived a shock far more paralyzing than that of which he was considering the possible effects; but when the American colonies were lost the world destiny of England had already been definitely asserted, and the American loyalists were able to resume the allegiance of their birth by merely crossing the Canadian frontier. When Raleigh wrote, Newfoundland was the one outward and visible sign of that Greater England in whose future he was a passionate believer. Therefore, inasmuch as Newfoundland, being the oldest of all the English colonies, stood for the Empire which was to be, the moral effects of its loss in infancy would have been irretrievably grave. How nearly it was lost will appear in the following pages.

Newfoundland, as was fitting for one of the largest islands in the world, and an island, too,

drawing strategic importance from its position, was often conspicuous in that titanic struggle between England and France for sea power, and therefore for the mastery of the world, which dwarfs every other feature of the eighteenth century. Nor did she come out of the struggle quite unscathed. Ill-informed or indifferent politicians in the Mother Country neglected to push home the fruits of victory on behalf of the colony which the struggle had convulsed, and the direct consequence of this neglect may be seen in the French fishery claims, which long distracted the occasional leisure of the Colonial Office. Newfoundland has indeed been hardened by centuries of trial. For years its growth was arrested by the interested jealousy of English merchants; and its maturity was vexed by French exactions, against which Canada or Australia would long ago have procured redress. Newfoundland has been the patient Griselda of the Empire, and the story of her triumph over moral and material difficulties—over famine, sword, fire, and internal dissension—fills a striking chapter in the history of British expansion.

That keen zest for geographical discovery, which was one of the most brilliant products of the Renaissance, was slow in making its appearance in England. Nor are the explanations far to seek. The bull (1494) of a notorious Pope (Alexander VI.)—lavish, as befits one who bestows a thing which he cannot enjoy himself, and of

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which he has no right to dispose—had allocated the shadowy world over the sea to Spain and Portugal, upon a fine bold principle of division ; and immediately afterwards these two Powers re-adjusted their boundaries in the unknown world by the Treaty of Tordesillas (1494), which could not, however, be considered as binding third parties. The line of longitude herein adopted was commonly held to have assigned Newfoundland to Portugal, but the view was incorrect. England was still a Catholic country, and for all its independence of the Pope in matters temporal, the effects of such a bull must have been very considerable. Nor did the personal character of Henry VII. incline him to the path of adventure ; and on the few occasions when he was goaded to enterprise, almost in spite of himself, we are able to admire the prudence of a prince who was careful to insert two clauses in his charter of adventure : the first protecting himself against liability for the cost, the second stipulating for a share of the profits. It is to the robust insight of Henry VIII. into the conditions of our national existence that the beginnings of the English Navy are to be ascribed, and it was under this stubborn prince that English trade began to depend upon English bottoms. But the real explanation of Anglo-Saxon backwardness lies somewhat deeper. Foreign adventure and the planting of settlements must proceed, if they are to be successful, from an exuberant



State ; neither in resources, nor in population, nor, perhaps it must be added, in the spirit of adventure, was the England of King Henry VII. sufficiently equipped. Hence it happened that foreign vessels sailed up the Thames, or anchored by the quays of Bideford in the service of English trade, at a time when the spirit of Prince Henry the Navigator had breathed into the Portuguese service, when Diaz was discovering the Cape, and the tiny vessels of Da Gama were adventuring the immense voyage to Cathay.

It is now clearly established that the earliest adventurers in America were men of Norse stock. More than a thousand years ago Greenland was explored by Vikings from Iceland, and a hundred years later Leif Ericsson discovered a land—Markland, the land of woods—which is plausibly identified with Newfoundland. Still keeping a southern course, the adventurer came to a country where grew vines, and where the climate was strangely mild ; it is likely enough that this land-fall was in Massachusetts or Virginia. The name Vinland was given to the newly-discovered country. The later voyages of Thorwald Ericsson, of Thorlstein Ericsson—both brothers of Leif—and of Thorfinn Karlsefne, are recounted in the Sagas. The story of these early colonists or “builders,” as they called themselves, is weakened by an infusion of fable, such as the tale of the fast-running one-legged people ; but with all allowances, the

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fact of Viking adventure on the American mainland is unquestioned and unquestionable, though we may say of these brave sailors, with Professor Goldwin Smith, that nothing more came of their visit, or in that age could come, than of the visit of a flock of seagulls.

It has been asserted by some writers that Basque navigators discovered the American continent a century before Cabot or Columbus; but evidence in support of such claims is either wanting or unconvincing. "Ingenious and romantic theories," says a critic of these views, "have been propounded concerning discoveries of America by Basque sailors before Columbus. The whale fishery of that period and long afterwards was in the hands of the Basques, and it is asserted that, in following the whales, as they became scarcer, farther and farther out in the western ocean, they came upon the coasts of Newfoundland a hundred years before Columbus and Cabot. No solid foundation can be found for these assertions. The records of the Basque maritime cities contain nothing to confirm them, and these assertions are mixed up with so much that is absurd—such as a statement that the Newfoundland Indians spoke Basque—that the whole hypothesis is incredible." <sup>1</sup>

The question has been much discussed whether

<sup>1</sup> Stanford's "Compendium of Geography and Travel" (New Issue). North America, vol. i. Canada and Newfoundland. Edited by H. M. Ami (London, 1915), p. 1007.

Columbus or Cabot in later days rediscovered the American mainland. It does not, perhaps, much matter whether the honour belongs to an Italian employed by Spain or an Italian employed by England ; and it is the less necessary to ask whether Cabot explored the mainland before Columbus touched at Paria, that in any event the real credit of the adventure belongs to the great Spanish sailor. It is well known that Columbus thought, as Cabot thought after him, that he was discovering a new and short route to India by the west. Hence was given the name West Indies to the islands which Columbus discovered ; hence the company which administered the affairs of Hindostan was distinguished as the East India Company. Hence, too, the spiritual welfare of the Great Khan engaged the attention of both Columbus and Cabot, whereas, in fact, this potentate (if, indeed, he existed) was secluded from their disinterested zeal by a vast continent, and thousands of miles of ocean. These misconceptions were based on a strange underestimate of the circumference of the world, but they add, if possible, to our wonder at the courage of Columbus. Sailing day after day into the unknown, with tiny ships and malcontent crews, he never faltered in his purpose, and never lost faith in his theory. When he landed at Guanahana (Watling's Island) he saw in the Bahamas the Golden Cyclades, and bethought him how he might convey to the Great Khan the letters of his Royal

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patron. He saw in the west coast of Juana the mainland of Cathay, and in the waters which wash the shores of Cuba he sought patiently, but vainly, for the Golden Chersonese and the storied land of the Ganges.

John Cabot inherited both the truth and the error of Columbus. His career is one of those irritating mysteries which baffle the most patient inquiry. Born at Genoa, and naturalized in 1476 at Venice after fifteen years' residence, he seems to have settled in England eight or nine years before the close of the fifteenth century. Already his life had been an adventurous one. We catch glimpses of him at long intervals : now at Mecca, pushing curious inquiries into the region whence came the spice caravans ; now in Spain, under the spell, perhaps, of the novel speculations of Toscanelli and Columbus ; now plying his trade as a maker of charts in Bristol or on the Continent. The confusion between John Cabot and his son Sebastian adds to the uncertainty. Those who impute to Sebastian Cabot a cuckoo-like appropriation of his father's glory are able to support their opinion with weighty evidence. The most astounding feature of all is that the main incidents of a voyage which attracted as much attention as the first voyage of John Cabot should so soon have passed into oblivion.

Marking the boundary as clearly as possible between what is certain and what is probable,



we find that on March 5th, 1496, Henry VII. granted a charter in the following terms:

"Be it known to all that we have given and granted to our well-beloved John Cabot, citizen of Venice, and to Lewis, Sebastian, and Sanctus, sons of the said John, and to their heirs and deputies . . . authority to sail to all parts, countries, and seas of the East, of the West, and of the North, under our banner and ensigns, with five ships, and to set up our banner on any new found land, as our vassals and lieutenants, upon their own proper costs and charges to seek out and discover whatsoever isles . . . of the heathen and infidels, which before the time have been unknown to all Christians. . . ."

No sooner was the patent granted than the vigilant Spanish ambassador in London wrote to his master King Ferdinand, that a second Columbus was about to achieve for the English sovereign what Columbus had achieved for the Spanish, but "without prejudice to Spain or Portugal." In reply to this communication Ferdinand directed his informer to warn King Henry that the project was a snare laid by the King of France to divest him from greater and more profitable enterprises, and that in any case the rights of the signatory parties under the Treaty of Tordesillas would thereby be invaded. However, the voyage contemplated in the charter was begun in 1497, in defiance of the Spanish warning and arrogant

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pretensions. It will be noticed that the charter extends its privileges to the sons of John Cabot. It is better, with Mr Justice Prowse, to see in this circumstance a proof of the prudence of the adventurer, who prolonged the duration of his charter by the inclusion of his infant sons, than to infer in the absence of evidence that any of them was his companion. According to one often quoted authority, Sebastian Cabot claimed in later life not merely to have taken part in the expedition, but to have been its commander,<sup>1</sup> and placed it after his father's death. Against this claim, if it was ever made, we must notice that in the Royal licence for the second voyage the newly found land is said to have been discovered by John Cabotto. It is impossible to say with certainty how many ships took part in Cabot's voyage. An old tradition, depending upon an unreliable manuscript,<sup>2</sup> says that Cabot's own ship was called the *Matthew*, a vessel of about fifty tons burden, and manned by sixteen Bristol seamen and one Burgundian. It is probable that the voyage began early in May, and it is certain that Cabot was back in England by August 10th, for on that date we find the following entry in the Privy Purse expenses of Henry VII., revealing a particularly stingy re-

<sup>1</sup> See the excellent contribution of Mr Raymond Beazley to the "Builders of Greater Britain" Series—"John and Sebastian Cabot."

<sup>2</sup> The Fust MSS., Hill Court, Gloucestershire.

cognition of the discoverer's splendid service, which, however, was soon afterwards recognized less unhandsomely :

" 1497, Aug. 10th.—To hym that found the New Isle, £10." <sup>1</sup>

The only reliable contemporary authorities on the subject of John Cabot's first voyage are the family letters of Lorenzo Pasqualigo, a Venetian merchant resident in London, to his brother, and the official correspondence of Raimondo di Raimondi, Archpriest of Soncino. The latter's account is somewhat vague. He says, in his letters to Duke Sforza of Milan, August 24th, and December 18th, 1497, that Cabot, " passing Ibernica on the west, and then standing towards the north, began to navigate the eastern ocean, leaving in a few days the north star on the right hand, and having wandered a good deal he came at last to firm land. . . . This Messor Zoanni Caboto," he proceeds, " has the description of the world in a chart, and also in a solid globe which he has made, and he shows where he landed." Raimondo adds that Cabot discovered two islands, one of which he gave to his barber and the other to a Burgundian friend, who called themselves Counts, whilst the commander assumed the airs of a prince.<sup>2</sup>

<sup>1</sup> S. Bentley, "Excerpts Historica" (1831), p. 113.

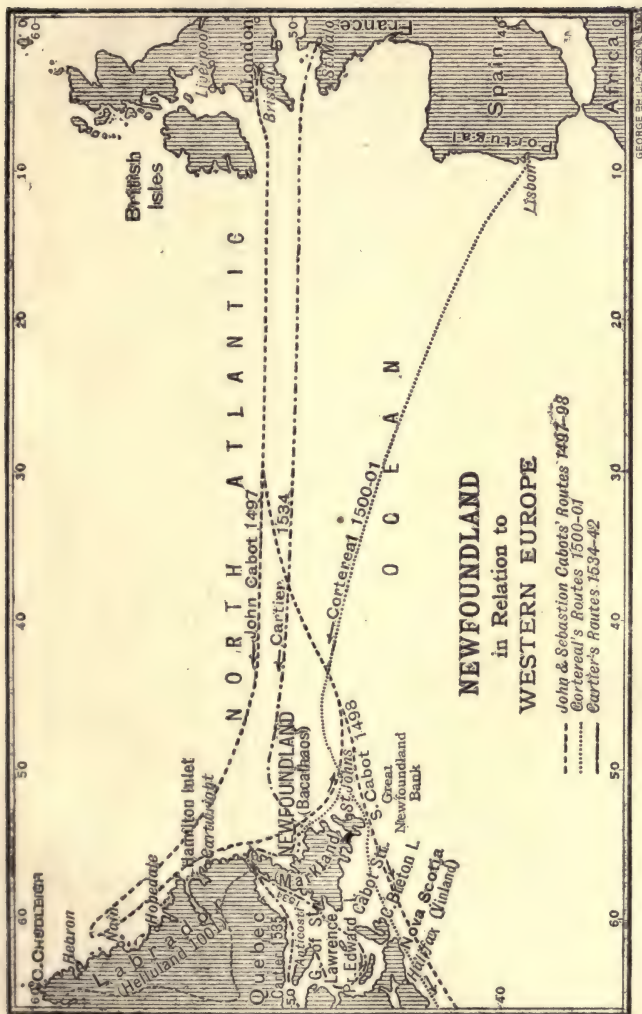
<sup>2</sup> These letters, together with other relative documents, are given in the publication of the Italian Columbian Royal Commission : " Reale Commissione Colombiana : Raccolta di Documenti e Studi " (Rome, 1893), Part 3, vol. i., pp. 196-198.

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We have from the Venetian, Pasqualigo, a letter, dated August 23rd, 1497, which was probably a fortnight or three weeks after the return of Cabot. According to this authority, Cabot discovered land 700 leagues away, the said land being the territory of the Great Khan (the "Gram cham"). He coasted along this land for 300 leagues, and on the homeward voyage sighted two islands, on which, after taking possession of them, he hoisted the Venetian as well as the English flag. "He calls himself the grand admiral, walks abroad in silk attire, and Englishmen run after him like madmen."<sup>1</sup> It is easy to overrate the reliability of such letters as those of Pasqualigo and Raimondo, and Pasqualigo's statement that Cabot sailed from Bristol to this new land, coasted for 300 leagues along it, and returned within a period of three months, is impossible to accept. At the same time, the accounts given by these writers occur, one in the frank intimacy of family correspondence, the other in the official reports of a diplomatic representative to his chief. They are both unquestionably disinterested, and are very much more valuable than the later tittle-tattle of Peter Martyr and Ramusio, which has plainly filtered through what Mr Beazley would call Sebastianized channels.

<sup>1</sup> "Reale Commissione Colombiana: Raccolta di Documenti e Studi" (Rome, 1893), Part 3, vol. ii., p. 109: "Calendar of State Papers," Venetian Series, vol. i., p. 262.







A keen controversy has raged as to the exact landfall of John Cabot in his 1497 voyage, and it cannot be said that a decisive conclusion has followed. A long tradition (fondly repeated by Mr Justice Prowse) finds the landfall in Cape Bonavista, Newfoundland. It is difficult to say more than that it may have been so; it may too have been in Cape Breton Island, or even some part of the coast of Labrador. In any case, whether or not Cabot found his landfall in Newfoundland, he must have sighted it in the course of his voyage. It may be mentioned here by way of caution that the name Newfoundland was specialized in later times so as to apply to the island alone, and that it was at first used indifferently to describe all the territories discovered by Cabot.

As no true citizen of Newfoundland will surrender the belief that Cape Bonavista was in fact the landfall of Cabot, it seems proper to insert in the story of the island, for what they are worth, the nearest contemporary accounts of Cabot's voyage. They are more fully collected in Mr Beazley's monograph,<sup>1</sup> to which I am indebted for the translations which follow. The first account is contained, as has already been pointed out, in a letter written by Raimondo di Raimondi to the Duke of Milan:

"Most illustrious and excellent my Lord,—  
Perhaps among your Excellency's many occu-

<sup>1</sup> The more authoritative Italian source has already been indicated.

pations, you may not be displeased to learn how His Majesty here has won a part of Asia without a stroke of the sword. There is in this kingdom a Venetian fellow, Master John Cabot by name, of a fine mind, greatly skilled in navigation, who, seeing that those most serene kings, first he of Portugal, and then the one of Spain, have occupied unknown islands, determined to make a like acquisition for His Majesty aforesaid. And having obtained Royal grants that he should have the usufruct of all that he should discover, provided that the ownership of the same is reserved to the Crown, with a small ship and eighteen persons he committed himself to fortune. And having set out from Bristol, a western port of this kingdom, and passed the western limits of Hibernia, and then standing to the northward, he began to steer eastwards [meaning westwards], leaving, after a few days, the North Star on his right hand. And having wandered about considerably, at last he fell in with *terra firma*, where, having planted the Royal banner and taken possession in the behalf of this King; and having taken several tokens, he has returned thence. The said Master John, as being foreign-born and poor, would not be believed, if his comrades, who are almost all Englishmen and from Bristol, did not testify that what he says is true.

“ This Master John has the description of the world in a chart, and also in a solid globe which



he has made, and he [or it] shows where he landed, and that going toward the east [again for west] he passed considerably beyond the country of the Tansis. And they say that it is a very good and temperate country, and they think that Brazil wood and silks grow there; and they affirm that that sea is covered with fishes, which are caught not only with the net but with baskets, a stone being tied to them in order that the baskets may sink in the water. And this I heard the said Master John relate, and the aforesaid Englishmen, his comrades, say that they will bring so many fish, that this kingdom will no longer have need of Iceland, from which country there comes a very great store of fish called stock-fish ('stockfissi'). But Master John has set his mind on something greater; for he expects to go further on towards the east [again for west] from that place already occupied, constantly hugging the shore, until he shall be over against [or on the other side of] an island, by him called Cimpango, situated in the equinoctial region, where he thinks all the spices of the world and also the precious stones originate. And he says that in former times he was at Mecca, whither spices are brought by caravans from distant countries, and these [caravans] again say that they are brought to them from other remote regions. And he argues thus—that if the Orientals affirmed to the Southerners that these things come from a distance from them, and so from hand to hand,

presupposing the rotundity of the earth, it must be that the last ones get them at the north, toward the west. And he said it in such a way that, having nothing to gain or lose by it, I too believe it ; and, what is more, the King here, who is wise and not lavish, likewise puts some faith in him ; for, since his return he has made good provision for him, as the same Master John tells me. And it is said that in the spring His Majesty aforementioned will fit out some ships and will besides give him all the convicts, and they will go to that country to make a colony, by means of which they hope to establish in London a greater storehouse of spices than there is in Alexandria, and the chief men of the enterprise are of Bristol, great sailors, who, now that they know where to go, say that it is not a voyage of more than fifteen days, nor do they ever have storms after they get away from Hibernia. I have also talked with a Burgundian, a comrade of Master John's, who confirms everything, and wishes to return thither because the Admiral (for so Master John already entitles himself) has given him an island ; and he has given another one to a barber of his from Castiglione, of Genoa, and both of them regard themselves as Counts, nor does my Lord the Admiral esteem himself anything less than a prince. I think that with this expedition will go several poor Italian monks, who have all been promised bishoprics. And as I have become a friend of the Admiral's, if I wished to

go thither, I should get an Archbishopric. But I have thought that the benefices which your Excellency has in store for me are a surer thing."

To those who, in the teeth of contemporary evidence, prefer the claims of Sebastian, the following extracts may be offered; the first from Peter Martyr d'Anghiera, who wrote in the early sixteenth century, the second from Ramusio. Martyr writes :

"These north seas have been searched by one Sebastian Cabot, a Venetian born, whom, being yet but in matter an infant, his parents carried with them into England, having occasion to resort thither for trade of merchandises, as is the manner of the Venetians to leave no part of the world unsearched to obtain riches. He therefore furnished two ships in England at his own charges; and, first, with 300 men, directed his course so far towards the North Pole, that even in the month of July he found monstrous heaps of ice swimming in the sea, and in manner continual daylight, yet saw he the land in that tract free from ice, which had been molten by heat of the sun. Thus, seeing such heaps of ice before him, he was enforced to turn his sails and follow the west, so coasting still by the shore he was thereby brought so far into the south, by reason of the land bending so much southward, that it was there almost equal in latitude with the sea called Fretum Herculeum [Straits of Gibraltar], having

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the North Pole elevate in manner in the same degree. He sailed likewise in this tract so far toward the west that he had the Island of Cuba [on] his left hand in manner in the same degree of longitude. As he travelled by the coasts of this great land, which he named Baccallaos [cod-fish country], he saith that he found the like course of the water towards the west [*i.e.* as before described by Martyr], but the same to run more softly and gently than the swift waters which the Spaniards found in their navigation southward. . . . Sebastian Cabot himself named those lands Baccallaos, because that in the seas thereabout he found so great multitudes of certain big fish much like unto tunnies (which the inhabitants called Baccallaos) that they sometimes stayed his ships. He found also the people of those regions covered with beasts' skins, yet not without the use of reason. He saith also that there is great plenty of bears in those regions, which used to eat fish. For, plunging themselves into the water where they perceive a multitude of those fish to lie, they fasten their claws in their scales, and so draw them to land and eat them. So that, as he saith, the bears being thus satisfied with fish, are not noisome to men."

Ramusio represents Sebastian Cabot as making the following statement :

" When my father departed from Venice many years since to dwell in England, to follow the trade of merchandises, he took me with him to



the city of London while I was very young, yet having nevertheless some knowledge of letters, of humanity, and of the sphere. And when my father died, in that time when news were brought that Don Christopher Colombus, the Genoese, had discovered the coasts of India, whereof was great talk in all the Court of King Henry the Seventh, who then reigned ; in so much that all men, with great admiration, affirmed it to be a thing more divine than human to sail by the west into the east, where spices grow, by a way that was never known before ; by which fame and report there increased in my heart a great flame of desire to attempt some notable thing. And understanding by reason of the sphere that if I should sail by way of the north-west wind I should by a shorter track come to India, I thereupon caused the King to be advertised of my device, who immediately commanded two caravels to be furnished with all things appertaining to the voyage, which was, as far as I remember, in the year 1496 in the beginning of summer. Beginning therefore to sail toward north-west, nor thinking to find any other land than that of Cathay, and from thence to turn towards India, after certain days I found that the land ran toward the north, which was to me a great displeasure. Nevertheless, sailing along by the coast to see if I could find any gulf that turned, I found the land still continent to the 56th degree under our Pole. And seeing

that there the coast turned toward the east, despairing to find the passage, I turned back again and sailed down by the coast of that land toward the equinoctial (ever with intent to find the said passage to India) and came to that part of this firm land which is now called Florida ; where, my victuals failing, I departed from thence and returned into England, where I found great tumults among the people and preparation for the war to be carried into Scotland ; by reason whereof there was no more consideration had to this voyage.”<sup>1</sup>

The discoveries of Cabot were appreciated by Henry VII., a prince who rarely indulged in unprovoked benefactions, for on December 13th, 1497, we find a grant of an annual pension to Cabot of £20 a year, worth between £200 and £300 in modern money (a pension that was drawn twice) :

“ We let you wit that we for certain considerations as specially moving, have given and granted unto our well-beloved John Cabot, of the parts of Venice, an annuity or annual rent of £20 sterling.”<sup>2</sup> It is material to notice that Sebastian, so considerable a figure in the later accounts, is not mentioned in this grant. So it has been observed

<sup>1</sup> The testimony of both Peter Martyr and Ramusio, and of others, like Gomara and Fabyan, who support the claims of Sebastian as against John Cabot, does not now find favour ; *cf.* Rogers, *op. cit.*, p. 14.

<sup>2</sup> Custom's Roll of the Port of Bristol, 1496-9, edited by E. Scott, A. E. Hudd, etc. (1897).

that John Cabot is mentioned alone in the charter for the second voyage; the authority is given explicitly to "our well-beloved John Kabotto, Venetian." Apparently the second voyage was begun in May, 1498, but a cloud of obscurity besets the attempt to determine its results. It is noted in the Records under 1498 that Sebastian Gaboto, "a Genoa's son," obtained from the King a vessel "to search for an island which he knew to be replenished with rich commodities." It is likely enough that Sebastian Cabot took part in this voyage, as indeed he may have done in the earlier one; but it is clear that John Sebastian was present in person, for Raimondo describes an interview in which John unfolds his scheme for proceeding from China (which he imagined himself to have discovered) to Japan.

This brief account of the Cabots, so far as their voyages relate particularly to Newfoundland, may be closed by some further citations from the Privy Purse expenses of Henry VII. :

"1498, March 24th.—To Lanslot Thirkill of London, upon a prest for his shipp going towards the New Ilande, £20.

"April 1st.—To Thomas Bradley and Lanslot Thirkill, going to the New Isle, £30.

"1503, Sept. 30th.—To the merchants of Bristoll that have been in the Newfounde Lande, £20.

"1504, Oct. 17th.—To one that brought hawkes from the Newfounde Island, £1.

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“ 1505, Aug. 25th.—To Clays goying to Riche-mount, with wylde cattts and popynjays of the Newfound Island, for his costs 13s. 4d.”<sup>1</sup>

<sup>1</sup> See Hakluyt Society Publications (1850), vol. vii., p. lxii. Bentley, *op. cit.*, pp. 126, 129, 131.



## CHAPTER III

### EARLY HISTORY. AGE OF IMPERFECT COLONIZATION

THE motives and projects of the early English colonizers are thus aptly described by a recent writer already referred to : <sup>1</sup> " The colonizers were actuated by three different kinds of definite ideas, and definite colonization was threefold in its character. In the first place, there were men who were saturated in the old illusions and ideas, and intended colonization as a means to an end, the end being the gold and silver and spices of Asia. Secondly, there were fishermen, who went to Newfoundland for its own sake, in order to catch fish for the European market, who were without illusions or ideas or any wish to settle, and who belonged to many nations, and thwarted but also paved the way for more serious colonizers. Thirdly, there were idealists who wished to colonize for colonization's sake and to make England great ; but in order to make England great they thought it necessary to humble Spain in the dust, and their ideas were destructive as well as creative. All

<sup>1</sup> Rogers, *op. cit.*, pp. 18-19.

these colonizers had their special projects, and each project, being inspired by imperfect ideals, failed more or less, or changed its character from time to time. The first and third projects were at one time guided by the same hand ; but the first project gradually cast off its colonizing slough, and resolved itself once more into discovery for discovery's sake ; and the third project ceased to be a plan of campaign, and resolved itself into sober and peaceful schemes for settling in the land. Even the second project, which was unled, uninspired, unnational, and almost unconscious, and which began and continued as though in obedience to some irresistible and unchangeable natural and economic law, assumed different shapes and semblances, as it blended or refused to blend with the patriotic projects of the idealists. These three types of colonization . . . , though they tended on different directions, . . . were hardly distinguishable in the earlier phases of their history. Perhaps a fourth type should be added, but this fourth type was what naturalists call an aberrant type, and only comprised two colonizers, Rut and Hore, whose aims were indistinct, and who had no clear idea where they meant to go, or what they meant to do when they got there."

After the first discovery of Newfoundland and the adjoining coast, English official interest in the island declined, and English traders were occupied for the time being with their intercourse with

Iceland, whence they obtained all the codfish they had need of. The new field of exploration and enterprise was thus left for some twenty years to others. At the beginning of the sixteenth century Gaspar Cortereal, a brave Portuguese sailor, having obtained a commission from the King of Portugal, made two voyages (in 1500 and 1501) with the object of discovering a north-west passage to Asia, explored the coasts of Greenland, Labrador, and Newfoundland, and finally lost his life on the coast of Labrador (1501).<sup>1</sup> On the ground of these discoveries, reinforced by the title conferred by the bull of Alexander VI., the Portuguese asserted their claim to Newfoundland. Henceforward Portuguese fishermen began to share the dangers and profits of the cod fishery with the hardy folk of Normandy and Brittany, and with Spaniards and Basques, who had followed fast in the footsteps of the earliest discoverers. Hence we find that many names of places and the east coast of the island are corruptions of Portuguese words, whilst names on the south coast show a French or a Basque origin.<sup>2</sup>

<sup>1</sup> The name Labrador is derived from the Portuguese word "llavrador," which means a yeoman farmer. The name was at first given to Greenland, and was afterwards transferred to the peninsula on the assumption that it was part of the same territory as Greenland. The origin of the name itself is due to the fact that the first announcement of having seen Greenland was a farmer ("llavrador") from the Azores.

<sup>2</sup> Compare such names of places as Frenchman's Arm, Harbour Breton, Cape Breton, Spaniard's Bay, Biscay Bay, Portugal Cove, Cape Race, Port-aux-Basques, etc.

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In a sense it is true that Newfoundland has owed everything to its fisheries, but it is unfortunately also true that a sharp dissidence between the interests of alien fisheries and the policy of local development did much to retard the days of permanent settlement. That the more southern races of Europe took a large part in the development of the fisheries was only natural, inasmuch as the principal markets for the dried and salted codfish were in the Catholic countries of Europe. Continuously from the beginning of the sixteenth century the opening of each season brought vessels of many nationalities to a harvest which sufficed for all. We cannot say that at this time any primacy was claimed for English vessels, but there is no reason to doubt that Englishmen soon played a conspicuous part in opening up the trade. By the time of Henry VIII. the Newfoundland industry was sufficiently well known to be included with the Scotch and Irish Fisheries in an exception clause to a statute which forbade the importation of foreign fish.

This statute is sufficiently noteworthy as an economic curiosity to be set forth *in extenso*.

“ ACT 33 HENRY VIII., c. xi.

“ The Bill conceryning bying of fisse upon the see.

“ Whereas many and dyvers townes and portes by the see side have in tymes past bene in great



welthe and prosperitie well buylded by using and exercysing the crafts and feate of fisshing by the whiche practise it was not onelie great strengthe to this Realme by reason of bringing up and encreasing of Maryners whensoever the King's Grace had neede of them but also a great welthe to the Realme and habundance of suche wherebie oure sovereigne Lorde the King the Lords Gentilmen and Comons were alwais well served of fische in Market townes of a reasonable price and also by reason of the same fisshing many men were made and grewe riche and many poure Men and women had therebie there convenyent lyving—to the strengthe encreasing and welthe of this realme.

“ And whereas many and dyvers of the saide fissherman for their singular lucre and advantage doe leve the said crafte of fisshing and be confederate w Pycardes Flemynghes Norman and Frenchemen and sometyme sayle over into the costes of Pycardie and Flaunders and sometyme doo meete the said Pycardes and Flemynghes half the see over.

“ Penalty on subjects bying fishe in Flaunders &c., or at sea to be sold in England, £10.

“ And be it furder enacted by the auctoritie aforesaide that it shall be lawful to all and every fissher estraunger to come and to sell.

“ Provided furthermore that this Act or any thing therein conteyned shall not extende to any person whiche shall bye eny fische in any parties of Iseland,

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Scotlands, Orkeney, Shotlande, Ireland, or Newland [Newfoundland].”

The caution, however, suggested above must be borne in mind in noticing the earliest mention of Newfoundland; the name was indiscriminately applied to the island itself and to the neighbouring coasts, so that it is for some time impossible to be sure whether it is employed in the wide or narrow sense. It is certain, however, that the island was becoming well known. Its position as the nearest point to Europe made it familiar to the band of Northerly explorers. Verrazzano, a Florentine, in the service of France, determined to discover a western way to Cathay, sailed along America northward from North Carolina, and placed the French flag on the territory lying between New Spain and Newfoundland, which newly acquired territory was thenceforth designated Norumbega or New France. All such original annexations, whether pretended or real, were in the circumstances extremely ill-defined; and maps of the time were frequently vague, confusing, and contradictory. Cartier, on his way to sow the seeds of a French Empire in North America, sailed past the coast (1534), and on his second voyage (1535) foregathered with Roberval in the roadstead of St. John's. Still earlier, in 1527, a voyage was made to the island by John Rut, with the countenance of Henry VIII. and encouragement of Cardinal

Wolsey, but the authorities for this voyage are late and unreliable. Purchas reproduces a valuable letter from John Rut (who was a better sailor than scholar) to the King, from which it appears that he found in the harbour of St. John's "eleven saile of Normans and one Brittain, and two Portugall barks, and all a fishing," as well as two English trade-ships.<sup>1</sup>

The later adventure—"voyage of discovery"—of Master Hore, in 1536, which was undertaken "by the King's favour," is inimitably told by Hakluyt. His co-adventurers are described as "many gentlemen of the Inns of Court and of the Chancery"; there were also a number of east-country merchants. After missing their proper course, and almost starving, they were succoured by a French vessel off the coast of Newfoundland. The gentlemen of the long robe had been out of their element up to this encounter, but Judge Prowse notes with proper professional pride the tribute of Hakluyt: "Such was the policie of the English that they became masters of [the French ship], and changing ships and vittailing them, they set sail to come into England." The extremities to which these adventurers were reduced before their relief is horribly illustrated by the narrative of Hakluyt:

"Whilst they lay there they were in great want of provision and they found small relief,

<sup>1</sup> Cf. Purchas, "Pilgrims," vol. xiv. pp. 304-5.

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more than that they had from the nest of an osprey (or eagle) that brought hourly to her young great plenty of divers sorts of fishes. But such was the famine amongst them that they were forced to eat raw herbs and roots, which they sought for in the maine. But the relief of herbs being not sufficient to satisfie their craving appetites, when in the deserts in search of herbage, the fellow killed his mate while hee stouped to take up a root, and cutting out pieces of his body whom he had murthered, broyled the same on the coals and greedily devoured them. By this means the company decreased and the officers knew not what was become of them.”<sup>1</sup>

For many years we must be content with the knowledge that the fishing resources of Newfoundland were growing in reputation and popularity. Now and then the curtain is lifted, and we catch a glimpse of life on the island. Thus Anthony Parkhurst, a Bristol merchant, who had made the voyage himself four times, notes in 1578, in a letter written to Hakluyt containing a report of the true state and commodities of Newfoundland, that “there were generally more than 100 sail of Spaniards taking cod, and from 20 to 30 killing whales; 50 sail of Portuguese; 150 sail of French and Bretons . . . but of English only 50 sail. Nevertheless, the English are commonly lords of the harbours where they fish, and use all strangers’

<sup>1</sup> Hakluyt, “Principal Navigations,” vol. viii. p. 3.



help in fishing, if need require, according to an old custom of the country." <sup>1</sup>

Clearer still is our information when the ill-fated Sir Humphrey Gilbert, the half-brother of Raleigh, visited the island in 1583. Already in 1574 Gilbert, together with Sir Richard Grenville, Sir George Peckham and Christopher Carleill, applied for a patent with a view to colonizing "the northern parts of America"; but, though a sum of money was raised in Bristol for this object, the scheme fell through. Gilbert's perseverance, however, was by no means checked. For in 1577 he submitted a project to Lord Burleigh, asking for authority to discover and colonize strange lands, and incidentally to seize Spanish prizes and establish English supremacy over the seas. The following year he received a patent to discover, colonize, fortify, own and rule territories not in the possession of friendly Christian Powers—subject to the prerogation of the Crown and the claims of the Crown to a fifth part of the gold and silver obtained. His settlements were to be made within a period of six years. Having obtained the support of such men as Sir George Peckham, Sir Walter Raleigh, Sir Philip Sidney, Richard Hakluyt, Thomas Aldworth, as well as of Sir Francis Walsingham, the anti-Spanish minister, and of Bristol merchants,<sup>2</sup> Gilbert set sail on June 11th, 1583,

<sup>1</sup> Hakluyt, *op. cit.*, vol. iii.

<sup>2</sup> Cf. J. Latimer, "History of the Society of Merchant Venturers of Bristol" (1903).

from Plymouth with five vessels—the *Raleigh* (200 tons) which was equipped by Sir W. Raleigh, acting as vice-admiral, the *Delight* (120 tons) on which was Gilbert, as admiral, the *Swallow* (40 tons) the *Golden Hind* (40 tons), and the *Squirrel* (10 tons). Two days later the *Raleigh* returned on the ground, it seems, that her captain and many of her men had fallen sick. The entire crew consisted of 260 men, including shipwrights, masons, carpenters, smiths, miners, and refiners. They took with them a good variety of music “for solace of our people, and allurements of the savages”; a number of toys, “as morris dancers, hobby horses, and many like conceits to delight the savage people, whom we intended to winne by all faire means possible”; and also a stock of haberdashery wares for the purpose of barter. Gilbert reached St. John’s on August 3rd, 1583, with his four vessels, and found in the harbour twenty Spanish and Portuguese ships and sixteen English ships. The latter made ready to give battle to the newcomers; but as soon as the English vessels were informed of the mission, “they caused to be discharged all the great ordnance of their fleet in welcome,” and soon afterwards entertained their guests at their “summer garden.” The great importance of the errand was recognized, for it had no less an object than to take possession of the island in the name of Queen Elizabeth, by virtue of Cabot’s discoveries, and the later acts of

occupation. Even then the small town of St. John's was not without pretension to the amenities of social life. One, Edward Haie (or Hayes), who was present—indeed he was the captain and owner of the *Golden Hind*—and who has left us an account of the expedition,<sup>1</sup> speaks of it as a populous and frequented place. According to the same account, possession was taken of the territory on August 5th: "Munday following, the General had his tent set up, who being accompanied with his own followers, sommoned the marchants and masters, both English and strangers to be present at his taking possession of those countries. Before whom openly was read and interpreted unto the strangers of his commission: by vertue whereof he tooke possession in the same harbour of S. John, and 200 leagues every way, invested the Queenes Majestie with the tith and dignitie thereof, had delivered unto him (after the custome of England) a rod and a turffe of the same soile, entring

<sup>1</sup> "A report of the voyage and successe thereof, attempted in the yeere of our Lord 1583 by Sir Humfrey Gilbert Knight, with other gentlemen assisting him in that action, intended to discover and to plant Christian inhabitants in place convenient, upon those large and ample countreys extended Northward from the cape of Florida, lying under very temperate climes, esteemed fertile and rich in minerals, yet not in the actuall possession of any Christian prince, written by M. Edward Haie gentleman, and principall actour in the same voyage, who alone continued unto the end, and by God's speciall assistance returned home with his retinue safe and entire." See Hakluyt (ed. 1904), vol. viii. pp. 34 seq.

possession also for him, his heires and assignes for ever : and signified unto al men, that from that time forward, they should take the same land as a territorie appertaining to the Queene of England, and himself authorized under her majestie to possesse and enjoy it. And to ordaine lawes for the government thereof, agreeable (so neere as conveniently might be) unto the lawes of England : under which all people comming thither hereafter, either to inhabite, or by way of traffique, should be subjected and governed." Gilbert's authority was not seriously questioned ; by virtue of his commission he " ordained and established three lawes to begin with." They are given by Hayes as follows :

1. Establishment of the Church of England.
2. Any attempt prejudicial to Her Majesty's rights in the territory to be punished as in a case of High Treason.
3. Anyone uttering words of dishonour to Her Majesty should lose his ears and have his goods and ship confiscated.

" To be brief," concludes the same authority, " Gilbert dyd lette, sette, give, and dispose of many things as absolute Governor there by virtue of Her Majesty's letter patent."

The passage in which Captain Hayes describes the Newfoundland of his day must be of such



interest to its present inhabitants that it is worth while to set it out in full :

“ That which we doe call the Newfoundland, and the Frenchmen Bacalaos, is an island, or rather (after the opinion of some) it consisteth of sundry islands and broken lands, situate in the north regions of America, upon the gulph and entrance of the great river called S. Laurence in Canada. Into the which navigation may be made both on the south and north side of this island. The land lyeth south and north, containing in length betweene three and 400 miles, accounting from Cape Race (which is in 46 degrees 25 minuts) unto the Grand Bay in 52 degrees of septentrionall latitude. The iland round about hath very many goodly bayes and harbors, safe roads for ships, the like not to be found in any part of the known world.

“ The common opinion that is had of intemperature and extreme cold that should be in this countrey, as of some part it may be verified, namely the north, where I grant it is more colde than in countries of Europe, which are under the same elevation : even so it cannot stand with reason and nature of the clime that the south parts should be so intemperate as the bruit hath gone. For as the same doe lie under the climats of Briton, Aniou, Poictou, in France, between 46 and 49 degrees, so can they not so much differ from the temperature of those countries : unless upon the

out coasts lying open unto the ocean and sharpe winds, it must in neede be subject to more colde, then further within the lande, where the mountaines are interposed, as walles and bulwarkes, to defende and to resiste the asperitie and rigor of the sea and weather. Some hold opinion, that the Newfoundland might be the more subject to cold, by how much it lyeth high and neere unto the middle region. I grant that not in Newfoundland alone, but in Germany, Italy, and Afrike, even under the Equinoctiall line, the mountaines are extreme cold, and seeldome uncovred of snow, in their culme and highest tops, which commeth to passe by the same reason that they are extended towards the middle region: yet in the countries lying beneth them, it is found quite contrary. Even so all hils having their discents, the valleis also and low grounds must be likewise hot or temperate, as the clime doeth give in Newfoundland, though I am of opinion that the sunnes reflection is much cooled, and cannot be so forcible in the Newfoundland nor generally throughout America, as in Europe or Afrike: by how much the sunne in his diurnall course from east to west passeth over (for the most part) dry land and sandy countries, before he arriveth at the West of Europe or Afrike, whereby his motion increaseth heate, with little or no qualification by moyst vapours, where on the contraire, he passeth from Europe and Africa unto America over the ocean, from whence it draweth

and carrieth with him abundance of moyst vapours, which doe qualifie and infeeble greatly the sunne's reverberation upon this countrey chiefly of Newfoundland, being so much to the northward. Neverthelesse (as I sayd before) the cold cannot be so intollerable under the latitude of 46, 47, and 48, especiall within land, that it should be uninhabitable, as some doe suppose, seeing also there are very many people more to the north by a great deale. And in these south partes there be certain beastes, ounces or leopards, and birdes in like manner which in the sommer we have seene, not heard of in countries of extreme and vehement coldnesse. Besides, as in the monethes of June, July, August, and September, the heate is somewhat more than in England at those seasons: so men remaining upon the south parts neere unto Cape Rece, until after Hollandtide, have not found the cold so extreme, nor much differing from the temperature of England. Those which have arrived there after November and December have found the snow exceeding deepe, whereat no marvelle, considering the ground upon the coast is rough and uneven, and the snow is driven into the places most declyning, as the like is to be seen with us. The like depth of snow happily shall not be found within land upon the playner countries, which also are defended by the mountaines, breaking off the violence of the winds and weather. But admitting extraordinary cold in these south

parts, above that with us here : it cannot be so great as that in Swedland, much less in Muscovia or Russia ; yet are the same countries very populous, and the rigor of cold is dispensed with by the commoditie of stoves, warme clothing, meats and drinckes ; all which neede not to be wanting in the Newfoundland, if we had intent there to inhabite,

“ In the south parts we found no inhabitants, which by all likelihood have abandoned those coastes, the same being so much frequented by Christians : but in the north are savages altogether harmlesse. Touching the commodities of this countrie, serving either for sustentation of inhabitants, or for maintenance of traffique, there are and may be made ; so and it seemeth Nature hath recompensed that only defect and incommoditie of some sharpe cold, by many benefits : viz., with incredible quantitie and no less varietie of kindes of fish in the sea and fresh waters, as trouts, salmons, and other fish to us unknown : also cod, which alone draweth many nations thither, and is become the most famous fishing of the world. Abundance of whales, for which also is a very great trade in the bayes of Placentia, and the Grand Bay, where is made trane oiles of the whale. Herring, the largest that have been heard of, and exceeding the alstrond herring of Norway : but hitherto was never benefit taken of the herring fishery. There are sundry other fish very delicate,



namely the bonits, lobsters, turbut, with others infinite not sought after: oysters having pearle but not orient in colour: I took it by reason they were not gathered in season.

“ Concerning the inland commodities as wel to be drawn from this land, as from the exceeding large countries adioyning; there is nothing which our east and northerly countries doe yeelde, but the like also may be made in them as plentifully by time and industrie: namely, rosen, pitch, tarre, sope, ashes, deel boord, mastes for ships, hides, furies, flaxe, heme, corne, cables, cordage, linnen-cloth, mettals, and many more. All which the countries will aford, and the soyle is apt to yeelde.

“ The trees for the most in those south parts, are firre trees, pine and cypresse, all yielding gumme and turpentine. Cherrie trees bearing fruit no bigger than a small pease. Also peare trees, but fruitlesse. Other trees of some sorts to us unknown.

“ The soyle along the coast is not deepe of earth, bringing foorth abundantly peason, small, yet good feeding for cattel. Roses, passing sweet, like unto our mucke roses in forme, raspases, a berry which we call harts, good and holesome to eat. The grasse and herbe doth fat sheepe in very short space, proved by English marchants which have caried sheepe thither for fresh victuall, and had them raised exceeding fat in lesse than three weekes. Peason which our countrey-men have

sowen in the time of May, have come up faire, and bene gathered in the beginning of August, of which our generall had a present acceptable for the rarenesse, being the first fruits coming up by art and industrie, in that desolate and dishabited land.

“ We could not observe the hundredth part of these creatures in those unhabited lands : but these mentioned may induce us to glorifie the magnificent God, who hath superabundantly replenished the earth with creatures serving for the use of man, though man hath not used the fift part of the same, which the more doth aggravate the fault and foolish slouth in many of our nation, chusing rather to live indirectly, and very miserably to live and die within this realme pestered with inhabitants, then to adventure as becommeth men, to obtaine an habitation in those remote lands, in which Nature very prodigally doth minister unto mens endeavours, and for art to worke upon.”

The story of Gilbert's disastrous expedition and voyage home is well known ; how some of his men sailed off in a stolen vessel, some ran away into the woods, and others falling sick were sent home in the *Swallow* ; how he set sail on August 20th (that is, after a stay on the island of only a fortnight) with his three remaining vessels, overloaded and under-manned as they were ; how his vessels, after the wreck of the *Delight* off Sabre Island, were reduced to the *Golden Hind* and the *Squirrel* ;

how in a prodigious hurricane he refused to transfer himself from the tiny *Squirrel* to the larger vessel ; and how he died encouraging his ill-fated company —“ We are as near heaven by sea as by land.” Though the expedition ended in disaster, and the intention to found a settlement failed utterly, the bold enterprise could not but exert a salutary influence on the hearts and souls of other adventurers and promoters of colonization. As has been well said : <sup>1</sup> “ a halo of real enthusiasm illumines this foolish founder of the greatest colonial empire in the world, and where a hero leads, even though it be to ruin, others are apt to follow with enthusiasm, for tragedies such as these attract by their dignity more than they deter.” More particularly, Gilbert’s voyage is of great interest, because we may reasonably associate him with the colonial ideas of his greater half-brother, Sir Walter Raleigh. The slow and difficult process was beginning which was to make Newfoundland a permanent settlement instead of the occasional resort of migratory fishermen.

<sup>1</sup> Rogers, *op. cit.*, p. 40.

## CHAPTER IV

### EARLY HISTORY (*continued*). BEGINNING OF A PERFECT ENGLISH COLONY

WE have seen that many nations shared in the profits of the Newfoundland trade, but the English and French soon distanced all other competitors. The explanation lies in the conflicting interests which these two great and diffusive Powers were gradually establishing on the American mainland. It is worth while anticipating a little in order to gain some landmarks. In 1609 the colonization of Virginia began in earnest ; a few years later sailed the Pilgrim Fathers in the *Mayflower*, to found New England. In 1632 Lord Baltimore founded Maryland, to be a refuge for English Roman Catholics. Meanwhile, France had not been idle in the great northern continent. The intrepid Champlain trod boldly in the perilous footsteps of Cartier, and Port Royal was founded in 1604, Quebec in 1608. Later still came the splendid adventure of La Salle, who forced his way—a seventeenth century Marchand—from the sources of the Mississippi to the Gulf of Mexico, thus threatening to cut off the English settlers from



expansion to the west. A glance at the map will reveal the immense strategic importance of Newfoundland to two Powers with the possessions and claims indicated above. No doubt a consciousness of deeper differences underlay the keenness of commercial rivalry.

The hardy sailors, mainly from the west country, who carried on the trade for England, came when the season began, and sailed away with its close, returning in the following year to the portion of the beach which each crew had pegged out for its own operations. A feeling of proprietorship soon sprang from uninterrupted user, and signs of jealousy appeared of any attempt at permanent settlement. This local feeling, combining with interested influence at home, did much to stunt the growth of the colony; the old colonization theory inherited from Spain was still powerful, for the American Revolution had not yet revealed the handwriting on the wall.

In 1585 English vessels and sailors were seized in Spanish waters under the pretext of a general arrest. Accordingly, by way of reprisal Gilbert's plan of 1577 (which has already been referred to) was revived by Walsingham, and Sir Walter Raleigh, then vice-admiral of the western counties, was instructed to despatch vessels for the purpose of intercepting Spanish fishermen proceeding to the Newfoundland waters. A flotilla under the command of Sir Barnard Drake (cousin of Sir

Francis) sailed to Newfoundland, and took a considerable number of Spanish and Portuguese prizes and prisoners. The disaster to the Spanish Armada in 1588 was a drastic blow to Spanish power at sea, a signal for England's maritime ascendancy, and an impetus to more rational, consistent, and practical methods of colonization, in which great Companies and great fleets participated—fleets that prepared the way for the establishment and development of our incomparable Navy, the mighty bulwark of our Empire. The turning-point at the close of the sixteenth century is thus indicated by Mr Rogers: "Large creative ideals, the usual delusions about Cathay, gold, and silver, and a desire to retaliate against Spain, inspired both Raleigh's and Gilbert's efforts; and after their failures the history of colonization turned over a new leaf. There were no more colonies founded in anger, the old delusions about Cathay and gold and silver melted into thin air, and the large Elizabethan ideals were accompanied by small projects, which after a time dimmed and obscured them."<sup>1</sup> With James I. and the wise influence of Bacon came an increased interest in the "plantations," and God's silly vassal (as a justly irritated divine called the King to his face) does not suffer in this respect from a comparison with his contemporaries.

After the colonization of Virginia and Maine had

<sup>1</sup> *Op. cit.*, p. 42.

begun, Sir John Popham, who had done much to set on foot the schemes relative to these American settlements, recollecting the attempts that had been made to colonize Newfoundland, suggested to the merchant adventurers of Bristol that they should make new efforts to establish colonies on the island. The King's support having been promised, funds were raised, and a royal charter was granted to a company on April 27th, 1610, designated "The Treasurer and the Company of Adventurers and Planters of the City of London and Bristol for the Colony or Plantations in Newfoundland." London and the West of England were thus associated, as they had been in the Virginian Company of 1606. There were forty-six members, including the Earl of Northampton, Sir Francis Bacon, Thomas Aldworth, Mayor of Bristol, John Guy and Philip Guy of Bristol; and the territory granted to them comprised the lands from Cape St. Mary to Cape Bonavista. The same year John Guy, the first Governor, led out the first colony to Newfoundland, landed at Conception Bay, and selected for his capital Cuper's Cove (Port de Grave). Guy and his companions then built a fort, a dwelling-house, a workshop, and a boat, sowed corn, and made preparations for the winter. Next fishing ordinances were issued by the Governor. "That struck the first note of a conflict which was to last for 150 years, and of which the echoes may yet be heard. The fisher-

men, merchants, and seamen who flocked to the coast for the fishing season vehemently resented anything which might seem to threaten their turbulent lawlessness, and the great merchants in England, who were profiting by the fisheries, were jealous lest the planters should in some way interfere with their operations; but, for a time, the planters had sufficient influence through the patentees in England to maintain themselves.”<sup>1</sup> After a sojourn of six summers—though only three winters—in Newfoundland, Guy returned to Bristol, and spent the remainder of his life there in his aldermanic dignity.

He was succeeded (1615) in the Governorship by Captain John Mason who, together with Sir Ferdinando Gorges, founded New Hampshire and Maine. Mason stayed six years in the island; he explored it, prepared a map of it, encouraged the growth of corn successfully, and with less success endeavoured to establish commercial intercourse with the Red Indians.

In 1618 appeared the “Briefe discourse of the New-found-land by Captain John Mason.” After a discerning account of the attractions of his theme, the writer concludes:

“I might hear further discourse of our discoveries . . . but these may suffice as *verbum*

<sup>1</sup> Stanford's “Compendium of Geography and Travel” (new issue): North America; vol. i. Canada and Newfoundland. Edited by H. M. Ami (London, 1915), p. 1009.



*sapienti*; being of sufficient trueth to remouve errors . . . also to take away malicious and scandalous speeches of maligne persons, who out of envy to God and good actions (instructed by their father the Devill) have sought to despoil it of the dewe and blamish the good name thereof."

Disorders having occurred after Mason's arrival, Sir Richard Whitbourne, an Exmouth sea-captain who had had many years fishing experience in the Newfoundland waters, was despatched to investigate the disputes between the settlers and the fishermen. He reported that 250 sail of English fishermen, and 400 of "French, Portugals, and Biscaines" resorted to the coast. His mission failed, owing to the dilatory nature of the inquiry and the difficulties in getting the contesting parties to attend, as they were in scattered places. Then the merchants, having an eye to their own profit, proceeded to divide the occupied territory into a number of shares, which the recipients afterwards resold.<sup>1</sup> "The colony from time to time shed portions of itself, division led to sub-division, and new characters appeared upon the scene."<sup>2</sup> Other companies were thus formed, charters granted, and settlements made, most of which were confined to the peninsula of Avalon. With these enterprises several distinguished names were connected: for example, Sir William Vaughan, who sent out colonists in 1617 and 1618; Henry

<sup>1</sup> See Rogers, *op. cit.*, pp. 59 *seq.*

<sup>2</sup> *Ibid.*, p. 59.

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Cary, Lord Falkland, who bought land on the east coast, called it South Falkland, despatched a number of emigrants, but did not himself visit the island; Sir George Calvert, a leading Roman Catholic, who took out co-religionists.

In 1627 Sir George Calvert, better known as Lord Baltimore, was granted by charter the fancifully named Province of Avalon (after Avalon in Somersetshire), which embraced a considerable portion of the island's area. Calvert established himself at Ferryland—the name being a corruption of Verulam, so called after the great Chancellor—and stayed only long enough to infuse a tenacious Roman Catholic strain into the island. Finding the climate too cold, however, he applied for a more southerly colony for himself and forty companions. In reply, the King said that the climate was not too cold, but that Sir George Calvert was too soft, and had better return home. But he had in the meantime transferred himself and his forty followers to the milder climes of the south, and there established Maryland, whose capital, Baltimore, was named after the founder's family title. Perhaps the turbulence of his surroundings, and the troubles with the French, were not to his taste. Law and order were indeed far to seek, and there were neither civil tribunals nor military forces. We may suppose that the "Fishing Admirals," authorized by the Star Chamber and confirmed in their authority by 10 and 11 William

III., c. 25, had already asserted a *de facto* jurisdiction on the spot, for it is hardly credible that the mere wantonness of legislative invention can have produced such a tribunal. To anticipate for a moment : the Act provided that the master of the first ship arriving from England with the season should be admiral of the harbour ; to the masters of the second and third in order were given the titles of vice-admiral and rear-admiral. To this tribunal were committed fishing disputes in general, and the maintenance of peace among sailors and fishermen. It may be supposed that these rough sailors were both corrupt and inefficient. " I must be a pretty sort of a judge if I could not do justice to myself," said one west country sailor, when charged with delivering an interested judgment. At the close of the season the judges disappeared, together with their cargoes of blubber and cod.

In spite of all these drawbacks the island was gradually increasing in reputation. Writers, as well as returned " planters " and visitors, did much to make it known. Thus Sir Richard Whitbourne, to whom reference has already been made, wrote in his " Discourse of Newfoundland " (1622) : " Divers worshipful citizens of the City of Bristol have undertaken to plant a large circuit of that country, and they have maintained a Colony of his Majesties subjects there any time those five years who have builded there faire houses, and

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done many other good services, who live there very pleasantly, and they are well pleased to entertaine upon fit conditions such as wilbe Adventurers with them." And he quotes from a letter from Captain Wynne of August 17th, 1622: "At the Bristow Plantation there is as goodly rye now growing as can be in any part of England; they are also well furnished with swine, and a large breed of goates, fairer by farre than those that were sent over at the first."

In 1628 Robert Hayman, who accompanied the above-mentioned expedition of 1610, published a book entitled "Quodlibels, lately come over from New Britaniola, Old Newfound-Land," etc. Among the "epigrams" are a number of verses, in which he pays a tribute to leading North American colonizers, sets out the advantages offered by the new colony, and makes many apt and wise observations regarding colonization. The reader will no doubt welcome a few passages, which he may regard—to use Livy's phrase—as "*deverticula amoena*" in this account of our subject.

*To the Worshippful Captaine John Mason, who did  
wisely and worthily governe there divers yeeres.*

The aire in Newfound-land is wholesome, good ;  
The fire, as sweet as any made of wood ;  
The waters, very rich, both salt and fresh ;  
The earth more rich, you know it is no lesse .



Where all are good, fire, water, earth, and aire,  
What man made of these foure would not live there ?

*To all those worthy women, who have any desire to  
live in Newfound-land.*

Sweet creatures, did you truely understand  
The pleasant life you'd live in Newfound-land,  
You would with teares desire to be brought thither :  
I wish you, when you goe, faire wind, faire weather :  
For if you with the passage can dispence [= bear]  
When you are there, I know you'll ne'r come thence.

*In praise of my Newfound-land.*

Did some know what contentment I found there,  
Alwayes enough, most times somewhat to spare,  
With little paines, lesse toyle, and lesser care,  
Exempt from tanings, ill newes, lawing, feare. . . .

*To the first Planters of Newfound-land.*

What ayme you at in your plantation ?  
Sought you the honour of our nation ?  
Or did you hope to raise your owne renowne ?  
Or else to adde a kingdome to a crowne ?  
Or Christ's true doctrine for to propagate ?  
Or drawe salvages to a blessed state ?  
Or our o're peopled kingdome to relieve ?  
Or shew poore men where they may richly live ?  
Or poore mens children godly to maintaine ?  
Or aym'd you at your owne sweete private gaine ?

*To some discreet people who thinke anybody good  
enough for a plantation.*

When you doe see an idle, lewd, young man,  
You say hee's fit for our plantation.

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Knowing your selfe to be riche, sober, wise  
You set your owne worth at an higher price.  
I say, such men as you are, were more fit,  
And most convenient for first peopling it :  
Such men as you would quickly profit here :  
Lewd, lazy lubbers, want wit, grace, and care.

*To the famous, wise and learned sisters, the two Universities  
of England, Oxford and Cambridge.*

Send forth your sons unto our new plantation ;  
Yet send such as are holy, wise, and able.

The same writer submitted to Charles I. a remarkable "proposition of profitt and honour," in which he unsuccessfully called for the King's help and patronage in regard to the colonization of the island.<sup>1</sup>

In 1637 the Commissioners of Foreign Plantations, who had been appointed three years before, resolved that the old colonial grants had lapsed, and transferred them to new patentees, prescribing, under the new fishing rules made by the Star Chamber (1634), one system and area of control for settlers, and another for fishermen, and restricting their respective activities. The first Governor under this régime was Sir David Kirke, who established himself at Ferryland (1638) with a number of settlers variously estimated at from thirty to one hundred persons. His charter was a

<sup>1</sup> See article by G. C. Moore Smith, in "English Historical Review," vol. xxxiii. (1918), pp. 31 *seq.*

liberal one, embracing the whole island, and was the reward of his gallantry in the capture of Quebec. He introduced the practice of levying rent, imposing licence fees, and exacting an excise of 5 per 120 fish on alien fishermen. The convulsions of the Civil War were felt even in Newfoundland, and Kirke paid for his Royalism by the loss, under the Commonwealth, of his noble possession (1651).

What has been described as a period of repression in the history of Newfoundland began with the reign of Charles I. and continued to the end of the eighteenth century. As a recent writer observes : " In the fairy story it is the youngest sister, but the eldest sister is the Cinderella of colonial history. If Newfoundland had experienced only the healthful neglect under which the other colonies prospered, she too would have grown into vigorous life. But a strong and influential class in England was interested in harassing the settlers, in depreciating the resources of the island, and in throwing every obstacle in the way of permanent settlement. This policy came in with Charles I. and continued down to the very commencement of the nineteenth century. Captain Mason, Sir William Vaughan, and Captain Whitbourne had written favourably of the island ; but from their day down to 1842, when Sir Richard Bonnycastle wrote his book, every writer described it as barren ; in summer gloomy with perpetual fog, and in winter given over to excessive cold and blinding snowstorms. The

west country people of England, generation after generation, drew from the fisheries of Newfoundland enormous profits, upon which prosperous mercantile establishments and noble families were built up and sustained in England. They considered and called them 'their' fisheries, and their interests required that there should be no resident population to compete in their monopoly, to share the best fishing rooms, and to grow up to be dangerous rivals in foreign markets. The influence of this class upon the government was incessantly exercised in framing regulations and laws to choke the growth of the colony.

"The confused annals of this period can only be understood by remembering the existence of two antagonistic parties, the 'planters' and inhabitants on the one hand, who, being settled there, needed the protection of a government and police, with administration of justice; and the 'adventurers' or merchants on the other, who, originally carrying on the fishery from England, and visiting the island only for the season, needed no such protection for themselves, and had various reasons for preventing its being afforded to the others.

"If the Mother Country had only forgotten the island it would have prospered; but in 1633 the English merchants succeeded in procuring from the Star Chamber rules and regulations drawn solely to advance their own private interests, and



these rules were supplemented always in the same direction, by the same oppressive agency." <sup>1</sup>

At this time the resident population of the island cannot have exceeded a few hundreds, and every step was adopted which a vicious political economy could suggest to keep the numbers down. It was made penal for a settler to dwell within six miles of the shore, for a planter to cut down wood or plant within six miles from the shore, for any planter or inhabitant to take up the best positions in the harbours before the arrival of the fishing-fleet in the spring; and every master who sailed with a crew to Newfoundland was under bond—lest here and there a permanent settler should filter through—to return with his exact complement of hands. Their Lordships of the Committee of Trade and Plantations were not superior to the prejudices of the day, and they resolved in 1675, "That all plantations in Newfoundland should be discouraged . . . or that the western charter should from time to time be put in execution; by which charter all planters were forbid to inhabit within six miles of the shore from Cape Race to Cape Bonavista." Equally considerate and attentive were the efforts of the home country to cope with crime in the island. The Star Chamber ingeniously provided that persons charged with homicide, or with stealing to the value of 40s., should be brought home and submitted to the

<sup>1</sup> Stanford's "Compendium," pp. 1010, 1011.

judicial experience of the Mayors of Southampton, Weymouth, and other specified towns. The discrimination may also be admired which prohibited stealing *from the fishing nets*. It must be supposed that time hung heavily on the hands of the settlers in the intervals of the fishing, for we find at the period much time and industry wasted on petitions to the Committee of Trade, who possibly treated them as Grenville's predecessors are said to have treated the American despatches. The Board of Trade, which inherited the duties and the incompetence of the Committee, proved more complaisant, and was indeed prepared to tolerate permanent settlers to the number of one thousand. A struggle was imminent, if only they had known it, when the presence of a few thousand resolute settlers in Newfoundland would be of high moment to the interests of England.

The life of such as were allowed to remain must have been wild and strange, alternating between the populous alacrity of the fishing season and the hand to mouth struggle of the long winter months. Perhaps the amenities of life were not missed because they can hardly have been known ; but the restrictions on building and the absence of local authority must early have given rise to bitterness and discontent. Certainly we must admire the constancy of men who were content to live, a solitary cluster, on the coast, with an unexplored interior and savage inhabitants behind

them, and with no more secure prospect of material progress than a process of undetected squatting on the forbidden ground.

With regard to the plantations that have just been mentioned, reference may be conveniently made here by way of parenthesis to the survival in Newfoundland of certain terminology and customs, which form an interesting connecting-link between the early enterprises and modern usage and practice. In the words of a writer<sup>1</sup> fully conversant with the present conditions of the island: "Because of its early 'plantations,' the word 'planter' is still current in the insular vocabulary, and the 'supplying system' still prevails, the solitary links which connect with these bygone days. A 'planter' in Newfoundland parlance is a fish trader on a moderate scale, the middleman between the merchant, who ships the cod to market and the toiler who hauls it from the water. 'Plantations' are yet interwoven with local tradition, and show on ancient maps and charts. The tenure of some has never been broken; the names and locations of others are perpetuated in the existing fishing hamlets which dot the shore line. Under the 'supplying system' the merchants and planters 'supply' the fisherfolk each spring with all the essentials for their adequate

<sup>1</sup> P. T. M'Grath, "Newfoundland in 1911" (London, 1911), p. 46.

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prosecution of the industry, and when the season ends, take over their produce against the advances, made them six months before. The 'merchants' are the descendants of the early 'merchant adventurers' who exploited the new-found Colony."



## CHAPTER V

### THE STRUGGLE FOR EXISTENCE

IN the reign of Charles I. a duty of five per cent. had been imposed on the produce of all foreign vessels engaged in the Newfoundland trade. Twenty-five years later the French under Du Mont, then proceeding to Quebec with a contingent of soldiers and colonists, established a settlement at Placentia, on the southern coast, fortified it, and made it the seat of a resident Governor. They continued, however, to pay the duty in recognition of English sovereignty. Charles II. abolished the duty to oblige his French patron, and with the abolition began the history of French aggression. Very soon after their establishment the French settlers repudiated England's sovereignty over the south parts of Newfoundland, and from time to time strengthened their colony by bringing over bands of French immigrants. It was clear to many that the extension of French power in Canada and Newfoundland was a serious menace to the English fisheries and settlements: leading statesmen, however, refused to recognize the danger, and believed that if any really existed, the system

of convoys would obviate it. The convoy-captains, enlarging the sphere of their regular activities, saved the colony, and during their intermittent visits took upon themselves the functions of governors, and effectually prevented the diffusion of anarchy. The Governors of the French colony made their presence felt more than the English settlers could tolerate ; they interfered with them unduly, engaged in privateering expeditions and land forays against them, destroyed their property, and burned down their houses. Indeed, more than one French Governor conceived the notion, with the sanction of the King of France, of putting an end entirely to English colonization in the island. " The encroachments of the French," said William III., in his Declaration of War, " on His Majesty's subjects trading and fishing there, had been more like the invasions of an enemy than becoming friends, who enjoyed the advantages of that trade only by permission." With the outbreak of war came in sharp succession the attacks of Chevalier Vesmond, and of Burrill, beneath the latter of which all the island but Bonavista and Carbonier succumbed.

The Treaty of Ryswick in 1697 was signed before the French had been dislodged. Under its terms the invaders surrendered their conquests and retired to the territory in the south-west, of which they were in occupation when the war began. The anomaly of their claims, passed over in silence by

the Treaty, was certain to be the source of mischief. In the language of Mr Pedley, "Over a territory of some 200 miles in extent, belonging to the British sovereignty, they had built up imperceptibly an almost undisputed dominion." Five years after the Peace of Ryswick war broke out again. An English squadron under Admiral Sir John Leake destroyed a number of French fishing-vessels between St. Pierre and Trepassey (1702), and in the following year Admiral Graydon failed to reduce Placentia, owing to sickness, bad weather, as well as want of resolution. In January 1705 the French in retaliation surprised and captured St. John's. From this point they overran the English settlements, Carbonier once again weathering the storm, and abandoned themselves to depredation and devastation, as they had done in the conflict a few years before.

The Treaty of Utrecht in 1713 found the French still in possession. The provisions of this Treaty require careful consideration. Full sovereignty over the whole of Newfoundland and the neighbouring islands was declared to belong to England. Placentia was to be handed over. Article XIII. of the Treaty contains the following provisions :

"Nor shall the most Christian King, his heir and successors or any of their subjects, at any time hereafter lay claim to any right to the said island. . . . Moreover, it shall not be lawful for the subjects of France to fortify any place in

the said island of Newfoundland, or to erect any buildings there, besides *stages made of boards, and huts necessary and useful for drying of fish*, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish and to dry them on land in that part only which stretches . . . from Cape Bonavista to the northern part of the said island from thence by the western side as far as Cape Riche."

The fishing concession to France herein contained was wholly inexcusable. The latter country was in no position to refuse terms, and an absolute reservation of all fishing rights should have been insisted on in the interests of the colony. A culpable Ministry, short-sightedly regarding Newfoundland as little more than a fishing-station, chose rather to make a graceful concession, and we inherited the consequences in our Newfoundland Fisheries controversy with France, which lasted for nearly two centuries. However, the half century following the Treaty of Utrecht—an important turning-point in the history of the colony—marks a period of progress; and after another Anglo-French conflict, from which the English emerged victorious, we find in the ensuing half century the establishment of a definite policy of colonial permanence.

The abuses connected with the admirals' jurisdiction had been partially corrected by the



authority, on appeal from them, of the King's commanders stationed off the island. Still, the evils were very real, and extorted recognition even from the gang of west country monopolists who strangled for so long the growth of the island. We find a recommendation offered by them to the Board of Trade with astounding assurance, that the 3000 odd men, women, and children, who by this time composed the population of Newfoundland, "should be encouraged to settle in Nova Scotia—as they might be of service there, where inhabitants were wanted."

The colonists themselves had other and better remedies. A spontaneously elected Assembly passed ordinances which attest the sincerity of the general desire for reform. In 1728 the informing zeal of Lord Vere Beauclerk elicited a decisive step from the Board of Trade, and Captain Henry Osborne was appointed the first Governor of Newfoundland (1729), with authority to appoint justices of the peace. Even at such a moment the cloven hoof of prejudice peeped through, and Osborne and his justices were explicitly warned to interfere in no way with the privileges of the admirals, as defined by 10 and 11 William III. Governor Osborne addressed himself to his duties with great energy. He appointed justices and constables, carved the island into districts, and erected prisons and stocks. His influence was weakened by his departure when the season ended,

for till the nineteenth century the governors, like the fish, were migratory. A tedious quarrel followed between the justices and the admirals as to the limits of their respective jurisdictions ; the admirals, whose wits seem to have been sharpened by judicial practice, insisting that their own authority was derived from statute, whereas that of the justices merely rested upon an Order in Council.

In 1749 the great sailor Rodney, then a commander in the Navy, was appointed Governor. He distinguished himself by a humane consideration for the interests of the fishing servants. His answer to a petition from the merchants for permission to lower the contract rate of wages, in view of the badness of the season, has often been quoted, and is pleasant to read :

“ Mr Drake and myself would be glad to ease the merchants in all that lay in our power, but we are by no means capable of acting as desired, to serve any people whatever. I have only one question to ask, namely : ‘ Had the season been good in proportion as it has proved bad, would the merchants or boat-keepers have raised the men’s wages ? ’ ”

In 1750 came another advance. Commissioners of Oyer and Terminer were appointed for the island ; that is to say, persons authorized to “ hear and determine ” on capital felonies committed in Newfoundland. This change ended the

costly farce by which such persons were sent to England for trial. Seven years of development followed, to be broken by the long struggle between England and France, which the splendid genius of Pitt inspired and directed. He not only "conquered America in Europe" by the prodigal carelessness with which he poured subsidies into the treasury of Prussia, but he conceived and delivered in America itself a death-blow to French ambition. In 1758 Amherst and Wolfe, with a fleet of 150 vessels, were sent to attack Cape Breton, and after assaulting Louisbourg, the capital, received the submission of the island. In 1759 came General Wolfe's night assault on Quebec, and the unforgettable battle in which he lost his life. The only French success was gained at the expense of Newfoundland, for St. John's surrendered to an adventurous French expedition under Count d'Haussonville in June 1762. Admiral Lord Graves, the Governor, who was on his voyage from England, received the news in time to prevent him from landing. He vigorously concerted a plan of attack with Admiral Lord Colville, who was in command at Halifax, and after a lively investment the French garrison, numbering 700 or 800 strong surrendered on terms (September 20th, 1762), but the French Navy managed to escape, thanks to a fog.

The Treaty of Paris in 1763 brought the war to an end. Its course had afforded one more

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opportunity of simplifying the condition of the fishing industry. The English Ministry, under the nerveless guidance of Lord Bute, omitted to seize it, and the Newfoundland clauses of the Treaty of Utrecht (which had granted to the French fishery and drying rights on the coasts between Cape Bonavista and Point Rich) were confirmed, notwithstanding the fact that the English settlers had extended their occupation as far north as Twillingate, and French fishermen had not for three decades previously been further south than Fleur-de-Lys and White Bay. One clear, protesting voice was heard. "I contended several times in vain," said Pitt, "for the whole exclusive fishery, but I was overruled—I repeat, I was overruled, not by the foreign enemy, but by another enemy."

The House of Commons, under George III., was a corrupt and discredited body; and the Treaty of Paris was affirmed by 319 votes to 65. It had fallen to the lot of Governor Palliser—a fine reactionary in the view he took of his charge—to frame local orders for carrying out the provisions of the Treaty of Paris. His orders were clear and unambiguous. The French right of fishing within the permitted area was declared to be concurrent. The English jurisdiction was affirmed except in disputes between French subjects.

Between the capture of French America and the revolt of the older English colonies a few



years of peace intervened. Cook, the great discoverer, who had served under Lord Graves in Newfoundland in 1762, spent the four years from 1763 to 1767 in an invaluable survey of the island, wherein he showed for the first time its correct shape, and glancing inland foretold for it a great mining future. The annexation of Labrador, affected by the proclamation of October 7th, 1763, added to the area and importance of the colony.

It would be unreasonable to look for religious enlightenment in the early history of Newfoundland. "*Coelum non animum mutant qui trans mare currunt*": there was little tolerance in the England of the eighteenth century, and even the New England settlers had shamed their faith by outrages on the Quakers. In Newfoundland religious feeling ran high, as it has so often done when Roman Catholics and Protestants live side by side. The Roman Catholic element in Newfoundland, though a minority, was considerable in numbers: for the sorrows of Ireland had brought many of her children from one sorely tried island to another. The Protestant majority, forgetting the tradition of Lord Baltimore, abused their supremacy. Heavy fines were inflicted on priests for holding services, and the scenes of their ministrations were burned to the ground. Mr Pedley quotes a letter, written by Governor Dorrell, to a bench of magistrates in 1762:

"Whereas I am informed that a Roman Catholic

priest is at this time in Harbour Grace, and that he publicly read Mass, which is contrary to law, and against the peace of our Sovereign Lord the King ; you are hereby required and directed, on the receipt of this, to cause the said priest to be taken into custody, and sent round to this place. In this you are not to fail."

Mr Pedley quotes a letter from Governor Bonfoy to certain justices, which grimly illustrates the prevalence of crime in the eighteenth century :

"Whereas I think, for the good of this island in general, that gallows should be erected in the several districts, in order to deter from their robberies a parcel of villains, who think that they can do what they please with impunity. . . . You are, therefore, hereby required and directed to cause gallows to be erected in the most public places in your several districts, and cause all such persons as are guilty of robbery, felony, or the like crimes, to be sent round to this place in order to take their trial at the annual assizes held here, as I am determined to proceed against all such with the utmost severity of the law. Given under my hand at St. John's, the 12th of October, 1754."

Newfoundland was naturally affected by the rebellion of the American colonies. Of these Montcalm, in 1758, had written with rare insight : "The several advices I daily receive assure me England will one day lose her colonies. As to the English colonies, one essential point should

be known : it is, that they are never taxed. The Mother Country should have taxed them from the foundation ; I have certain advice that all the colonies would take fire at being taxed now.”<sup>1</sup> The expulsion of the French from America had already lessened the dependence of the colonies upon the home country, when the House of Commons directed its corrupt and blighting attention to the English colonial system. The Stamp Act was passed in 1764, and repealed in 1766. In 1768 came Charles Townshend’s mischievous duty on tea ; and the American Congress met at Lexington in 1774. At this time the resident population of Newfoundland amounted to over 12,000<sup>2</sup> and it was soon realized that the colony would be gravely affected by the outbreak of war. Congress at once prohibited all trade with the English colonies. The seriousness of this blow was extreme, for Newfoundland was largely dependent upon the American trade for the necessaries of life. Want and tempest worked together for ill, and the year 1775 is one of the blackest in the history of the colony. The treaty with France in 1778 brought to the American colonists a success which their resources and, it must be added, their resolution could hardly have won alone, and once more exposed Newfoundland to European attacks. It

<sup>1</sup> Quoted in Egerton’s “ History of British Colonial Policy.”

<sup>2</sup> But see the end of the present chapter in regard to the character and fluctuations of the population.

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was protected by the energy and resource of Governor Montague.

In 1775 came the very important Act known as Palliser's Act. This statute was based on the old selfish and restrictive view that Newfoundland should be a training ground for the Navy, and a place of trade, not a permanent settlement. Bounties were given to the fishing industry, and stringent measures were provided to ensure that masters trading to the island should return with undiminished crews. The privilege of drying fish was to be enjoyed only by such of the King's subjects as sailed to Newfoundland from Great Britain, or from one of the British dominions in Europe.

An interesting light upon the economic condition of the colony is thrown by the following figures :

Estimate of the sums necessary to pay the salaries of the Governor and Civil Officers in the Island of Newfoundland from April 1st, 1787, to April 1st, 1788 :

	£	s.	d.
Salary of the Governor . . . . .	500	0	0
The Governor's Secretary . . . . .	182	10	0
The Judge of the Admiralty . . . . .	200	0	0
The Naval Officer . . . . .	100	0	0
The Agent . . . . .	100	0	0
On Account, for Fees on Receipt and Audit	100	0	0
	<hr/>		
	<u>£1,182 10 0</u>		



It will be of interest to give here a few figures as to the growth of the English population in order to show that colonial developments were proceeding in the right direction. "Residents grew apace, as the increase of women and children from 612 in 1710 to 1,356 in 1738, and to 2,508 in 1754 attested. Heads of families accounted for a third more, so that in round numbers permanent residents were 800 in 1710, 1,800 in 1738, and 3,400 in 1754. The ship's crews of English ships, for whose sake the older theorists taught that the fisheries primarily existed, numbered 3,600 in 1738 and 4,500 in 1754, so that they outnumbered residents, in the strictest sense of the word residents. But if residents included all those who wintered on the island, they outnumbered ship's crews during this half-century. On the other hand, if passengers were added to ships' crews, the visitors outnumbered the settlers, except when there were war scares. . . .<sup>1</sup> Between 1764 and 1774 residents for the first time continuously outnumbered visitors. During these years the winter residents, including male hangers-on as well as settlers, averaged 12,340; and visitors, including 'passengers' as well as ships' crews, averaged 11,876; or excluding male hangers-on from the one side and passengers from the other side, residents averaged 5,660 and visitors 5,435. Figures no longer yielded an uncertain sound. The Rubicon was only just

<sup>1</sup> For example, in 1745, 1746, 1757.

crossed, but was indisputably and irrevocably crossed. Thenceforth the living-rooms were larger than the corridors, and political arithmetic pointed at the permanent occupants as the men of destiny. In 1764 the new tilt of the balance struck the law officers of the Crown, who wrote that it was 'disgraceful to suffer' the Act of 1699 'to remain in the Statute Book' as circumstances had so much changed. This disproportion increased; and the 12,000 inhabitants of 1764-74 swelled to 17,000 in 1792, 20,000 in 1804, and 52,000 in 1822, without any corresponding increase on the part of those who appeared every spring and faded away every autumn, like leaves or flowers."<sup>1</sup>

<sup>1</sup> Rogers, *op. cit.*, pp. 122-123, 137-138.

1792

17 thousand

1804

20 thousand

1822

52 thousand

## CHAPTER VI

### THE ENGLISH COLONIAL SYSTEM AND ITS RESULTS

THE War of American Independence forms a convenient point at which to examine for a moment in passing the English colonial system, of which Newfoundland was in some sense a victim. It may then at once be stated that in the English view, as in the Spanish view, a "plantation" was expected, directly or indirectly, to contribute to the wealth of the Mother Country. If it contributed much, it was a good colony; if little, its consequence was less. Hence the English legislation throttling colonial manufacturers in the supposed interests of English merchants, and confining colonial trade to English channels. Hence the disregard, persistent and unashamed, of Adam Smith's immortal saying: "To prohibit a great people from making all that they can of every part of their own produce, or from employing their stock and industry in the way that they judge most advantageous to themselves, is a manifest violation of the most sacred rights of mankind." Long before Smith, the wisest of English-

men had sounded a clear note of warning far in advance of his age. Bacon wrote in his essay on plantations : " Let there be freedom from custom, till the plantation be of strength : and not only freedom from custom, but freedom to carry their commodities where they make their best of them, except there be some special cause of caution."

Any stick has been thought good enough to beat those who lost America, but we must not suppress the little that may be urged on their behalf. Here again may be cited the dispassionate opinion of Adam Smith : " Though the policy of Great Britain with regard to the trade of her colonies has been dictated by the same mercantile spirit as that of other nations, it has, upon the whole, been less illiberal and oppressive than that of any of them." To the same effect Mr Lecky : " It is a gross . . . misrepresentation to describe the commercial policy of England as exceptionally tyrannical." In fact, the expense of protecting Newfoundland and America against French attacks was serious and constant. That the colonies owed contribution to that defence is clear, for it would be involved in any other view that an American enjoyed a natural right to be protected against France at the charges of a Londoner. In the face of all this the colonies were conspicuously and notoriously unable to agree upon any principle of allocating grants. In this respect Newfoundland was no better than the American colonies. " We should



be extremely concerned," wrote a merchant officially consulted on the point, "to see any species of taxes introduced into this island which would inevitably be burdensome and inconvenient to the trade and fishing in general, and we trust that in the wisdom of His Majesty's Ministers no such innovation will take place."

The attempt, then, to tax from home was defensible, and Chatham was clearly wrong in denying its legality. On the other hand, to persevere in the attempt was the folly of weakness, mistaking obstinacy for strength.

It must be remembered, as a partial extenuation of English selfishness in Newfoundland, that the long arm of England was ever extended for the colony's protection, and that the charges therefor were defrayed by the English taxpayer. Hence the view followed, naturally but unfortunately, that the island was an asset to be exploited commercially in the interests of the home country.

In 1783 the Treaty of Versailles revised the French rights conferred by the Treaty of Utrecht. The French boundary was contracted from Cape Bonavista to Cape St. John on the east coast, and was extended from Point Riche to Cape Ray on the west. The whole subject of the French claims will be examined in a separate chapter,<sup>1</sup> but a very important undertaking set forth in the Treaty of Versailles must not be omitted :

<sup>1</sup> See *infra*, chap. x.

" His Britannic Majesty . . . that the fishermen of the two nations may not give cause for daily quarrels, was pleased to engage that he would take the most positive measures for preventing his subjects from interrupting in any measure by their competition, the fishing of the French during the temporary exercise thereof which is granted to them upon the coasts of the island of Newfoundland, and that he would for that purpose cause the permanent settlements which should be formed there to be removed, and that he would give orders that the French fishermen should not be incommoded in the cutting of wood, necessary for the repair of their scaffolds, huts, and fishing boats."

In the time of Governor Milbanke, in 1791, an Act of Parliament tardily created " the Court of Civil Jurisdiction of our Lord the King at St. John's in the island of Newfoundland," which Court was empowered to try all civil cases except those relating to land, and which usually began actions by the peremptory procedure of arresting the defendant and attaching his goods. The following year a supreme Court of Civil and Criminal Judicature was instituted which superseded the Court erected the previous year, put an end to the authority of the " fishing-admirals," of the Courts held in summer by surrogates (naval commanders visiting the island) and of the Courts of Session held in winter by local justices of the peace,

and was empowered to try all persons charged with criminal offences and determine civil suits, including those relating to land, and to make arrest and attachment in civil suits discretionary and alternative. The jurisdiction of the Court was renewed annually, then triennially ; and John Reeves, to whose history all writers on Newfoundland owe so much, was appointed the first Chief Justice ; but he remained in the island only till 1792, when he was succeeded by ex-surgeons, collectors of customs, and merchants. In 1809 a perpetual Act was passed, which purported to abolish definitely the diverse and sporadic jurisdictions ; but such is the force of old customs and practices that it was not till 1824 that the old Session Courts, Courts of Surrogates and of fishing-admirals were finally extinguished, and at the same time two assistant judges were appointed to aid the Chief Justice, and all three judges were to be English or Irish barristers. A Court of Civil Jurisdiction was also created for Labrador. We may recall here the observations of Chief Justice Reeves on the fishing-admirals : " They are ever the servants of the merchants. Justice was not to be expected from them ; and a poor planter or inhabitant, who was considered little better than a law-breaker in being such, had but a small chance of justice in opposition to any great west-country merchant. They considered that Newfoundland was theirs, and that all the

planters were to be spoiled and devoured at their pleasure." It must be recorded that this most just and necessary reform in judicial administration was vainly but bitterly opposed by the merchants at home.

In 1793 came the war with revolutionary France, and Newfoundland was once again in a bustle of defensive preparation. The Governor, Vice-Admiral King, took possession of St. Pierre. The French, under Admiral Richery, threatened St. John's, but desisted in face of the vigour of the new Governor, Admiral Sir Richard Wallace (1796), who raised volunteers, strengthened the forts, and prepared new batteries. In 1797 the mutiny at the Nore broke out, provoked by real grievances. As far off as Newfoundland the spirit of disaffection spread, and an outbreak occurred on H.M.S. *Latona*, then lying in the harbour of St. John's. It was quelled by the resolution of Captain Sothern; and Governor Waldegrave (1797-1800), afterwards Lord Radstock, summoned the mutineers before him and addressed them in the presence of the Royal Newfoundland Regiment, whom they had tried to affect with sedition. "I may venture to say," the Governor writes home, "my speech was of much service." It was certainly of much vigour. "If I am to judge from your conduct," he said, "I must think that the majority of you are either villains or cowards. If the greater number of you are against your officers,



. . . . I have a right to say that you are traitors. . . . If there are only a few bad men among you, which you pretend to be the case, I maintain that you are a set of dastardly cowards, for suffering yourselves to be bullied by a few villains, who wish for nothing better than to see us become the slaves of France. . . . You were all eager for news and newspapers to see how your great delegate, Parker"—the ringleader at the Nore—"was going on. I thank God I have the satisfaction to inform you that he is hanged. . . . You looked up to him as an example whilst he was in his glory. I recommend you to look to his end as an example also. . . . I have now to tell you that I have given orders to all your officers, that in case any further signs of mutiny should appear among you, they are not to think of confining the ringleaders, but to put them to death instantly ; and, what is still more, I have given orders to the officers commanding the batteries, to burn the *Latona* with red-hot shot, in case you drive me . . . to that extremity. I know in this case the officers must perish with you ; but there is not one of them but is ready to sacrifice himself for the good of his country. . . . And now go to church, and pray God to inspire you with such sentiments as may acquire you the respect and love of your countrymen in this world and eternal happiness in the next."

This speech, which was rescued from oblivion by the industry of Mr Pedley, came clearly from a

man of energy and resolution. In fact, Governor Waldegrave proved himself to possess unusual resource and vigour. He was the creator of the Newfoundland system of poor relief, and he busied himself actively in the interests of religion. On the latter subject it is pleasant to note a spirit of growing breadth in the island. In particular, the loyal labours of the Roman Catholic Bishop O'Donnell opened up a new era of tolerance for his followers. To this Bishop was due the discovery, in 1802, of a plot among the locally enlisted Royal Newfoundland Regiment, to loot St. John's and then fly to the United States. The ringleaders were executed, and the mutinous regiment was replaced by one from Halifax.

The war with France was for the time being terminated by the Peace of Amiens (1802), whereby the conquered territory was to be restored—so that St. Pierre and Miguelon were returned to France; and her fishing rights were renewed on the same basis as was laid down in the Treaty of Utrecht.

In 1802, by which time the population of the island amounted to about twenty thousand persons, Governor Gambier (1802–1803), who was in advance of his age in his views on government, as well as on the education of the settlers, and the civilization of the Beothics, proposed to Lord Hobart the establishment of a legislative power in Newfoundland, similar to that which has been found

necessary to the prosperity and good government of other parts of the British dominions. The suggestion was treated as premature, and probably was so in fact. That it should have been made at all shows how far we have travelled from the swaddling clothes of monopoly. However this may be, two important civilizing agencies were introduced in 1805 and 1806—a regular post office, and a newspaper (the *Royal Gazette*).

In 1810 began Vice-Admiral Sir Thomas Duckworth's period of office, which soon revealed a Governor of energy and intelligence. He journeyed to the northern settlements and Labrador to learn the condition and needs of the population; he tried to secure friendly relations with the Red Indians of the country, and set up a hospital in St. John's. Amongst other reforms he procured the passing of a statute in 1811 (51 George III.) authorizing him to grant leases of certain ships' rooms at St. John's then in public occupation. Following up in this way the useful work of Governor Gower (1804-1807), he used his leasing power to promote the building of warehouses and wharves. The idea that the inhabitants of St. John's had a right to make it habitable was slowly gaining ground. Duckworth was an able and far-seeing man, and his report on the condition of the island, furnished to the home authorities at the end of his governorship, was a lucid and memorable document. His condemnation of the

building restrictions paved the way for the fearless agitation of Dr. William Carson. A distinguished medical graduate of Edinburgh, Carson incurred the dislike of Governor Duckworth, and his successor, Governor Keats, by his outspoken pamphlets. Indeed, there was nothing equivocal in Carson's views :

"The only remedy against the evils flowing from the present system will be found in giving to the people, what they most ardently wish, a civil Government, consisting of a resident Governor, a Senate House, and House of Assembly."

Hitherto the population had possessed no voice in the administration of their own affairs. The Governors exercised an absolute power, which to progressive minds appeared to be an indifferent and unnecessary despotism. So far as Newfoundland affairs were concerned they almost invariably adopted an ultra-conservative attitude, and were hostile to proposals for amelioration called for in the changing circumstances of the colony. Thus the demand for self-government became more and more general.

The Anglo-American War which began in 1812 ushered in a period of great prosperity to Newfoundland. Fish were plentiful, prices good beyond precedent, and wages high in proportion.

The Great European War was terminated by the Battle of Waterloo on 1815, and peace was restored by the Treaty of Paris. Under the latter



the French regained the right of fishing on the banks and shores of Newfoundland. The privileges of Americans to fish in British waters were also enlarged. In favour of their own fishermen, both the French and American governments then established a system of bounties, and by imposing high duties prevented the importation of Newfoundland fish into their own markets. Thus the Newfoundland fishermen were obliged to compete with their rivals on very unequal terms.

Governor Pickmore, who succeeded Governor Keats in 1816, was confronted with a very difficult state of things. The high prices which had ruled from 1812 to 1815 had attracted emigrants in large and undesirable numbers. The commercial reaction and foreign competition, aided by the bounties, hit the merchants hard, and in 1815 bankruptcy trod fast on the heels of bankruptcy. In the following winter actual starvation menaced the residents, and many owed their lives to the generosity and energy of Captain David Buchan, commander of H.M.S. *Pike*, who put his men on short rations for the relief of the inhabitants. In an address of thanks, which was presented to him when the crisis was past, his services were gratefully recorded :

“ At this distressing crisis you afforded us from His Majesty’s store a supply in aid of our then alarming and terrible wants. You then, with patriotic feeling, placed the company of the

ship which you command on reduced allowance, and yielded to the public distress every alleviation which such means afforded."

The lean years were still further saddened by the terrible fire of 1817, which left more than a thousand persons houseless, in the full severity of winter. The wooden houses and narrow streets of St. John's made resistance hopeless, when the flames had once gained a hold. It was estimated that the fire caused a loss of £125,000. The wealthier inhabitants and the home Government gave what relief was possible, and in 1818 the crisis yielded before brighter prospects.

Pickmore was the first Governor to reside continuously in the island (where he also died), for his predecessors had sailed away with the fishermen in October to reappear with the beginning of summer. In 1817 a Select Committee of the House of Commons was specially appointed to consider the situation of Newfoundland. The merchants, full as ever of vicious political economy, had two remedies to propose for the admitted distresses. One was the concession of bounties to place them on a level with French and American competition; the other was the removal of the population (then numbering 17,000) to Nova Scotia or Canada. Determined to omit nothing which might make them the derision of history, they added an emphatic opinion that agriculture could never thrive on the island.

On the appointment of Governor Pickmore, Lord Bathurst had given him the following instructions :

"As the colony has of late years, from the rapid increase of the population, assumed a character totally different from that under which it had been usual previously to consider it, I am most desirous of receiving from you your opinion as to the propriety of introducing any and what change into the system of government which has heretofore prevailed."

The seeds sown by Carson were beginning to bear fruit, and from 1821 onwards the desire for local government in the island grew continuously stronger. As against the arguments of the opposition, it was urged that all the British colonies, even the small Bermuda, had a local government ; that Nova Scotia was granted it as far back as the middle of the eighteenth century ; that the older American colonies had always enjoyed self-government ; and that the time had now come for the extension of the same privilege to Newfoundland. The authority of Governor Cochrane, who was appointed in 1825, and whose term of office lasted till 1834, was limited by the appointment of a Council, consisting of the Chief Justice, the two assistant Judges, and the Military Commander at St. John's. Under this Governor roads were for the first time laid out in the island. The irritation of the merchants at home was intense,

and the name of Peter Ougier, a west country merchant, ought to go down to posterity. In his evidence before the committee, he protested with real emotion: "They are making roads in Newfoundland: next thing they will be having carriages and driving about." Sir Thomas Cochrane was regarded as the best Governor ever sent to Newfoundland. He was "the first real administrator and ruler of the colony. An eminently practical man, he not only organized improvements, he personally superintended their execution. His activity was unbounded; in the early mornings he was out on horseback inspecting the roads, directing his workmen, laying out the grounds at Virginia, having interviews with the farmers, giving them practical hints about agriculture; everywhere he impressed his strong personality on colonial affairs. He was very sociable, and his hospitality was unstinted." Indeed, the historian of the island can point to only one mistake committed by the Governor, the bad taste shown in the erection of Government House, which "looks more like a prison than the Vice-regal residence . . . it is a huge pile of unredeemed ugliness."<sup>1</sup>

In England, in the early thirties, reform was in the air. The blow was struck at the right time, and in 1832—the year of the great Reform Bill—Parliament passed a measure creating in New-

<sup>1</sup> D. W. Prowse, "History of Newfoundland," second edition (London, 1896), pp. 424, 425, 426.



foundland a representative assembly. The island was divided into nine electoral divisions, each of which was to have one or more representatives, according to population. There were, in fact, fifteen members. The first election passed off quietly in the autumn of the same year. Dr. Carson, the father of Home Rule, stood for St. John's, and Mr Justice Prowse has usefully noted that he was defeated. The fickleness and ingratitude of the people were never more dramatically illustrated. "He had been the pioneer of the new movement, had suffered in the people's cause, and yet the public, 'that many-headed monster thing—the mob,' were the first to cast aside their leader in the fight for Home Rule, and to give their votes and support to a new and untried man." It was said, however, that the defeat was due to an electioneering trick, whereby a false report was spread as to the attitude of the veteran in the liberal cause.<sup>1</sup> "The House of Assembly of 1833 was the youngest constituent body in America, but it was not one whit behind any of them in stately parliamentary pageant and grandiloquent language. H. B. (Doyle) in London caricatured it as the 'Bow-wow Parliament' with a big Newfoundland dog in wig and bands as Speaker putting the motion: 'As many as are of that opinion say—bow; of the contrary—wow; the bows have it.' " <sup>2</sup>

<sup>1</sup> Prowse, *op. cit.*, pp. 429, 430.

<sup>2</sup> *Ibid.*, p. 431.

A nominated Legislative Council had been provided by the Constitution of the Colony. The relations of the Chambers have always been delicate in the British colonies, and in Newfoundland friction soon arose. The Legislative Council, under Chief Justice Boulton—who improperly called himself the Speaker instead of the President—set itself to thwart and discredit the popular Chamber. On both sides the controversies were petty, and were conducted in a petty spirit. The popular assembly described itself as “the Commons House of Assembly in Parliament assembled”; whereupon it was ordered forthwith to strike out the word “Parliament.” The Legislative Council appears to have been the more cantankerous, and the less prone to compromise. At last matters reached an *impasse*, for the Council began to throw out Supply and Revenue Bills. In the first year of the Queen’s reign, when Canada was already full of trouble, delegates from the Newfoundland House of Assembly arrived in London. Their mission was in the main successful. The Council was recommended to adopt the Appropriation Bill, and Chief Justice Boulton was summarily dismissed. “Boulton,” says Mr Justice Prowse, “had undoubted ability, but he was the worst possible selection for both the Council and the Bench. His views, both of law and legislation, were most illiberal; as a technical lawyer he was mostly right and sublimely independent, but his

harsh sentences, his indecent party spirit, and his personal manners caused him to be hated as no one else was ever hated in this colony.”<sup>1</sup>

In 1838 occurred the Kielly affair, which has added a leading case to English constitutional law. Dr. Kielly assaulted, or was said to have assaulted, Mr John Kent, who was a member of the Assembly. Mr Kent brought the matter before the Assembly as a breach of privilege. The House refused to hear witnesses on Kielly's behalf, treated the charge as proved, and demanded that he should apologize at the bar of the House. Kielly refused, adding that Kent was a liar and a coward. Then followed an interlude of comic opera. Kielly was committed, whereupon Mr Justice Lilly granted a writ of *habeas corpus*. This was not to be borne by the imperious Assembly, and the Speaker promptly issued his warrant for the re-arrest of Kielly, the arrest of the High Sheriff, and of Judge Lilly. Nothing like it had been seen since the heyday of the Wilkes litigation in England, when the House of Commons committed the Sheriff of Middlesex to prison for carrying out the orders of the Court of King's Bench.

In the unruffled atmosphere of the Privy Council the legal question found its decision.<sup>2</sup> It was laid down that the Crown, by its prerogative, can

<sup>1</sup> Prowse, *op. cit.*, p. 434.

<sup>2</sup> *Kielly v. Carson* (1842), Moore's Privy Council Cases, vol. iv., pp. 63, 88.

create a Legislative Assembly in a settled colony, with the government of its inhabitants: but that it is highly doubtful whether the Crown could, if it wished, bestow upon such an Assembly an authority, such as that of committing for contempt, not incidental to it by law. "The House of Assembly of Newfoundland," said Chief Baron Parke, "have not, what they erroneously supposed themselves to possess, the same exclusive privileges which the ancient law of England has annexed to the Houses of Parliament."

In 1838 the members of the Assembly were elected for four years, and this term has continued ever since.

The colony was destined to pass now through bitter trials. Having secured freedom, after much suffering and oppression, it soon learnt that freedom without common sense and moderation degenerates into licence, and becomes a menace and a terror. The election of representatives was accompanied by scenes of turbulence and disorder: the sense of toleration and compromise was absent. Half of the population were Roman Catholics of Irish descent, in whom rankled memories of ancient wrongs; the other half were Protestants of English descent, long used to ascendancy, who were headed by a wealthy commercial class. With the introduction of the new régime old distrusts and hostilities were rekindled, and an unscrupulous press fanned the flames. Religion became mixed



up with the political contention ; and the evil passions that were aroused, and the outrages that were committed held back for some time the progress of the community and the political development of the colony.

## CHAPTER VII

### SELF-GOVERNMENT

THE political faculty in Newfoundland was so rudimentary at this period that from 1841 to 1843 it became necessary to suspend the Constitution. In the autumn of 1840 an election riot at Carbonear occurred, which was of such a serious character that the sympathies of the British ministry with Newfoundland affairs were alienated, and the Governor was ordered to dissolve the Legislation. He did this on April 26th, 1841, and in his speech pointed out the reason for such drastic action: "As a Committee of the House of Commons has been appointed to enquire into the state of Newfoundland, before which Committee I shall have to appear, I will on the present occasion confine myself to the expression of my regret that such a proceeding should have become indispensably necessary to the tranquillity and welfare of the colony." Until 1849 the government was carried on by a General Assembly—a makeshift Assembly—in which members of the House of Assembly sat side by side with members of the Council, the latter losing their distinctive functions.

Under Governor Prescott (1834) and Governor Harvey (1841) began organized attempts to foster the agricultural interest. Liberal grants of land were made to poor settlers, and considerable sums voted for the construction of roads. This was indeed a period of healthy activity, for the development of the seal fishery added in a variety of ways to the prosperity of the island, and the invention of steam, together with the establishment of a regular mail service, brought Newfoundland very much nearer to the home country.

On June 9th, 1846, came the last great fire but one which has ravaged the colony. By great misfortune it broke out when a high wind was blowing, and spread with fatal rapidity all over the town. Buildings, public and private, wooden and stone, were involved in a common destruction, and the last touch of horror came when the large oil vats fringing the harbour caught fire. The Custom House, the Church of St. John's, the Courts and Gaol, the Theatre, the Bank of British North America, the Colonial Treasurer's Office, and the Savings Bank, were all destroyed. It was estimated that the aggregate amount of damage done was £1,000,000, and that upwards of 12,000 persons lost their homes. In this crushing affliction the spirit shown by all classes, from Governor Harvey downwards, was admirable. At a representative meeting of the citizens convened by the Governor it was resolved :

"That this meeting is aware that the well-established credit and stability of the trade of St. John's, coupled with the natural and inexhaustible resources of its fisheries, will speedily enable it to recover its usual current, but that in the meantime it is necessary that publicity should be given to the demand for provisions and building materials which at present exists in this market."

Help from Canada was quickly forthcoming and a grant of £30,000 from the home country combined with private efforts to meet the most pressing needs of the moment. The building of wider streets, the proscription of wooden houses, and the provision of an ampler water supply, showed that the lessons of the past had not been thrown away.

That year, 1846, was to be an *annus mirabilis*, for a storm, fiercer than the wildest within living memory, wrought havoc among the shipping in St. John's Harbour, and overwhelmed many substantial buildings inland. It seemed as if the malice of destiny had sent the gale to destroy the little that had escaped the fire; for Natives' Hall, which was being used to shelter the houseless, was blown to the ground.

About this time—thanks to the currents of excitement spread everywhere by the European revolutionary movements of 1848—began a fresh agitation for responsible government, which had already been granted to the other North American



colonies, and which involved a larger measure of self-government than had been conceded in the constitution of 1832. The inhabitants became more and more anxious that appointments within the colony should depend upon popular approval—or, rather, on the choice of the party commanding a majority in the Legislature—and not upon the Crown's nomination. The official view at home on this demand was stated both by the Whig, Earl Grey, and the Conservative, Sir John Pakington. The former wrote :

“ Until the wealth and population of the colony shall have increased considerably beyond their present amount, the introduction of what is called responsible government will by no means prove to its advantage. . . . The institutions of Newfoundland have been of late in various ways modified and altered, and some time must unavoidably elapse before they can acquire that amount of fixity and adaptation to the colonial wants of society which seems an indispensable preliminary to the future extension of popular government.”

Similarly, Sir John Pakington, in a despatch of April 3rd, 1852, observed :

“ Her Majesty's Government see no reason for differing from the conclusions at which their predecessors had arrived in the question of the establishment of responsible government, and which were conveyed to you by Lord Grey in the

despatch already mentioned. I consider, on the contrary, that the wisdom and justice of these conclusions are confirmed by the accounts since received from Newfoundland."

The change came in 1855, a year after the Secretary of State for the Colonies had informed the Governor that "Her Majesty's Government has come to the conclusion that they ought not to withhold from Newfoundland those institutions and that civil administration which, under the popular name of responsible government, have been adopted in all Her Majesty's neighbouring possessions in North America, and they are prepared to concede the immediate application of the system as soon as certain preliminary conditions have been acceded to on the part of the Legislature." At the same time the numbers of members in the Representative Assembly was, at the instance of the Imperial Government, increased to thirty.

It was not long before the Empire had an instructive lesson in the influence with which responsible government arms a colony. A natural *rapprochement* between France and England followed the Crimean War, and a Convention was drafted dealing with the Newfoundland fisheries. Against the proposed adjustment, involving a surrender by Great Britain of Newfoundland fishing rights, local feeling was strong and unanimous. Petition followed petition, and delegation delegation. "The excitement in the colony over

the Convention of 1857 was most intense and widespread ; the British flag was hoisted half-mast ; other excited citizens flew American flags ; everywhere there was burning indignation over this proposal to sell our birthright for a mess of pottage." <sup>1</sup> The resolute attitude of those interested elicited from Mr H. Labouchere, then Colonial Secretary, the welcome expression of a great constitutional principle :

" The proposals contained in the Convention having been now unequivocally refused by the colony, they will of course fall to the ground ; and you are authorized to give such assurance as you may think proper, that the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights."

So vital is the appreciation of this principle to an Empire constituted like our own, that it is worth while to set out the resolution of the Newfoundland Legislature which killed the Convention :

" We deem it our duty most respectfully to protest in the most solemn way against any attempt to alienate any portion of our fisheries or our soil to any foreign power without the consent of the local Legislature. As our fishery and territorial rights constitute the basis of our commerce and

<sup>1</sup> Prowse, p. 473.

of our social and political existence, as they are our birthright and the legal inheritance of our children, we cannot under any circumstances assent to the terms of the Convention ; we therefore earnestly entreat that the Imperial Government will take no steps to bring this treaty into operation, but will permit the trifling privileges that remain to us to continue unimpaired."

In 1858 took place a real advance in the relations between different parts of the Empire, for in that year the east coast of Newfoundland (Trinity Bay) was connected with Ireland by a submarine cable. The messages then exchanged through Newfoundland between the Queen and the President of the United States mark the most decisive point in what has been called the shrinkage of the world. Eight years later a second Atlantic cable was successfully landed at Heart's Content.

A constitutional crisis arose in 1860, which was followed by serious political disturbances. The Government, in which Mr Kent was Premier, introduced a measure to determine the colonial equivalent of imperial sterling in the payment of officials. The judges forwarded to the Governor, Sir Alexander Bannerman, a representation against the proposal ; Mr Kent thereupon in the Assembly accused the Governor of having entered into a conspiracy with the judges and the minority in the House against the executive. The Governor demanded an explanation which Mr Kent declined



to give, adding that in his judgment he was not called upon to explain his utterances as a member of the Legislature to the Governor. Sir Alexander Bannerman immediately dismissed the Ministry, and invited the Opposition leader, Mr Hoyles, to form an Administration. The election took place in April, 1861. Political passions ran high, and the old feud between Romanists and Protestants was most unhappily revived. At the Protestant Harbour Grace the election could not be held at all, while at the Catholic Harbour Main a riot took place in which life was lost.

The new Assembly was opened in May 1861, and showed a majority in favour of Mr Hoyles. It soon became clear that the passions of the mob in St. John's were dangerously excited; Sir Alexander was hooted and stoned on his return from the Assembly, and a little later an organized series of attacks was commenced upon the dwellings of well-known Roman Catholics. The magistrates thereupon called on the military, under the command of Colonel Grant. The soldiers marched out, eighty strong, and confronted the mob, which then numbered many thousands. Encouraged by their commander, the troops submitted with patient gallantry to insults and even to volleys of stones. Finally, it is alleged, a pistol was fired at them from the crowd. Then at last the order was given to fire; several persons were killed and twenty wounded. Among the latter, by great mis-

fortune, was the Rev. Jeremiah O'Donnell, who had bravely and patiently tried to calm the mob.

The whole incident was unfortunate, but it is impossible to accept the contention that Sir Alexander Bannerman was guilty of an unconstitutional exercise of the prerogative in dissolving the Assembly. It will not seriously be maintained that the representative of the Queen could have maintained relations with a Minister who publicly insulted him in his public capacity, and then curtly declined to explain or withdraw his charges. As to the sequel, it is sufficient to say that the civil authorities would have been grossly wanting in their duty if they had failed to call out the soldiers, and that the mob were not fired upon until the extreme limits of endurance had been reached. That innocent persons should have been involved in the consequences is matter of great regret ; but association with a lawless mob, even when the motive is as admirable as that of Father O'Donnell, necessarily admits this risk.

✓ It cannot be doubted that deep-lying economic causes had much to do with political discontent. From the first the financial position of the colony had been unsound. The short prosperity of the winter months had produced a vicious and widely-spread system of credit. Soon a majority of the fishermen lived during the winter upon the prospective earnings of the coming season, and then when it came addressed themselves without zest

to an occupation the fruits of which were already condemned. In this way a single bad season pauperized hundreds of hard-working men. Governor Waldegrave in 1797 had been struck by the failure of the law to provide for the poor, and owing to his exertions a voluntary system of poor relief was set on foot. By the time of Governor Gambier, in 1800, these measures had been discontinued and, indeed, permanence was not to be looked for in a system which depended upon voluntary support. The difficulty was that the Crown officers advised Governor Gambier "that the provision of the Poor Laws cannot be enforced in Newfoundland; and that the Governor has no authority to raise a sum of money by a rate upon the inhabitants."

The evil grew worse rather than better, and by the time of the great Governor Cochrane, in 1825, it had assumed the form of an inveterate social disease. Many able-bodied applicants for relief were provided with work in public employments, and the wholesome warning was added that those who refused such work would under no circumstances be entitled to relief. Governor Cochrane did not shrink from indicating the real cause of the distress. "Those who are upon wages," he wrote, "receive a sum during the summer months, which, if properly husbanded, would, together with the produce of their own exertion after the fishery has ceased, be fully ade-

quate to the support of themselves and families for the following winter. Yet I am led to believe that a large portion of this is dissipated before many weeks or days have elapsed after the fishing season has terminated, and in consequence of such profusion many families are left to want and misery."

The generality of the system destroyed in time that healthy dread of pauperism which, as an economic factor, is of the highest national importance. The receipt of poor relief lost the stigma assigned to it with rough justice by Anglo-Saxon independence, and in 1863, out of a total public expenditure of £90,000, the astounding proportion of £30,000 was expended upon the necessities of the poor.

Far-seeing observers had long before pointed out that the remedy for these disorders must be a radical one. Improvidence among the poorer classes is familiar to economists in more experienced societies than that of Newfoundland, and may be accepted as a permanent element in the difficulty. The real hope lay in opening up, on remunerative lines, industries which would occupy the poor in the lean months. Nor was Newfoundland without such resources, if the capital necessary for their development could have been found. A penetrating railway system, by its indirect effects upon the mining and agricultural interests, would have done much to solve the problem of the unemployed. The difficulty was that the state of



the public finances was in no condition to undertake costly schemes of betterment. In a later chapter we shall see the Government, after exhausting the resources of loans, looking to a desperate remedy to conquer its powerlessness for enterprise.

## CHAPTER VIII

### MODERN NEWFOUNDLAND

✓ IN 1869<sup>1</sup> took place a General Election, in which great Imperial interests were involved. Governor Musgrave, in 1866, had advised Federal union with the Canadian provinces—then about to federate among themselves—and the election three years later was fought upon this issue. The result was a complete rout for the Federal party; a rout so complete that the question has hardly since reappeared within the field of practical politics. The causes of this defeat were, in the first place, economic considerations; secondly, Irish national feeling and hostility to the union; and thirdly, a certain distrust and dread of Canada. Judge Prowse, whose intimate knowledge of Newfoundland entitles his opinion to special respect, thinks that even in recent years there lingered some rankling memory of the days when French Canadian raids terrified the colonists in the seventeenth and eighteenth centuries.<sup>2</sup> However this may be, it is

<sup>1</sup> The census of this year showed that the population had increased to 146, 536.

<sup>2</sup> *Op. cit.*, p. 495.

certain that the outlying portions of the Empire hardly as yet felt the same community with and loyalty to one another as they did with regard to the home country. The relation of Newfoundland to the Dominion of Canada resembles in many ways that of New Zealand to the new Australian Federal system, and in each group of colonies there is a noticeable drift towards centralization. Judge Prowse, who was a strong believer in North American union both from an Imperial and from a Colonial point of view, has fully indicated the difficulties. The Canadian protectionist tariff, the greater attractions of the United States market (inasmuch as the Dominion is a fish producer rather than a fish consumer), the opposition which wide political changes unavoidably excite—all these obstacles were formidable for the moment. It is uncertain even now whether they will be strong enough to prevent, indefinitely, the realization of the Confederate scheme. It is possible that such a union would be followed by some disadvantages to Newfoundland; but, on the other hand, the gain would be very great. The politics of the colony would be braced by the ampler atmosphere of the Dominion, and the tendency towards parochialism finally arrested. The geographical difficulty ceased to exist when the United States taught us how vast are the areas over which successful political unions are possible. No one can fairly ask that Newfoundland should

take the step in the teeth of her own material interests ; but, assuming that union with Canada can be reconciled with those interests, the Imperial issue holds the field. Its importance can hardly be overstated. So soon as the several communities, which together form the Empire, realize not merely their ties with the Mother Country, but also their own organic interconnection, from that moment the whole Imperial idea receives an immense accession of strength.<sup>1</sup> But it is now elementary that Newfoundland, and Newfoundland alone, can take this decision. She is the mistress of her own destinies.

It is unfortunate that the Blaine-Bond incident in 1890 should have excited ill-feeling against Canada in the older colony. In September of that year a treaty of trade regulating the purchase of bait, etc., the shipping of crews, and transshipment of cargo (called, from the delegates employed on each side,<sup>2</sup> the Blaine-Bond Treaty) was informally negotiated between Newfoundland and the United States, and a draft of a convention was prepared. In the following December this draft was modified, but in January 1891, Mr Blaine submitted a counter-proposal, which the United States were disposed to accept, though they were not really anxious to effect the arrangement. The treaty had been

✓ <sup>1</sup> This question of union was frequently raised—notably in 1906, and during the Great War in 1916 and 1917 (see end of chap. ix.).

<sup>2</sup> Sir Robert Bond, the ex-Premier of Newfoundland ; Mr J. G. Blaine, the American Secretary of State.



submitted to the Colonial Office, and approved by it; but the ratification of the Imperial Government was refused at the last moment. Probably the refusal would have caused less irritation in the colony if it had sprung from Imperial considerations; as a fact, it was procured by Canadian remonstrances against Newfoundland's separate action in a matter concerning Canada also, and it was felt in Newfoundland that the island had been sacrificed to the exigencies of Canadian party politics. It may be added here that in 1902, another separate agreement—the Hay-Bond Treaty—similar to the preceding, was entered into, but was rejected by the United States Senate. Accordingly the Newfoundland Government secured in 1905 the passing of the Foreign Fishing Vessels Act which deprived the American fishermen (more particularly those of Gloucester, Mass.) of the special privileges hitherto conceded, leaving them the right under the Convention of 1818. Disputes arose. The question was discussed at the Imperial Conference in 1907. After temporary alleviation of the difficulties by a *modus vivendi*, the British and American Governments came to the conclusion that the best remedy lay in a submission to the Hague Court of Arbitration: in 1909 the terms of reference were agreed to, and on September 1910 the award was given.<sup>1</sup> Newfoundland was there-

<sup>1</sup> House of Commons Papers, Miscellaneous, No. 3, 1910, Cd. 5396.

by placed in a very favourable position for dealing with the discrimination exercised against fish exported to America by Newfoundlanders. The points decided were: (1) The right to make regulations as to the exercise of the liberty to take fish, under the Treaty of 1818, is inherent to the sovereignty of Great Britain; (2) The United States has the right to employ non-Americans in the fisheries, but they are not entitled to benefit or immunity from the said Treaty; (3) While American fishing vessels may be required to report at colonial ports when convenient, such vessels should not be subject to the purely commercial formalities of report, entry, and clearance at a Custom House, nor to light, harbour, or other dues not imposed upon Newfoundland fishermen; (4) American fishing vessels entering certain colonial bays, for shelter, repairs, wood and water, should not be subject to dues or other demands for doing so, but they might be required to report to any reasonably convenient Custom House or official; (5) In the case of bays, mentioned in the Treaty of 1818, three marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to bear the configuration and characteristics of a bay. At all other places the three marine miles are to be measured following the sinuosities of the coast.

To return to the period now under consideration. It saw a bold attempt to deal with the Poor-law

scandal. Relief to able-bodied persons was discontinued in 1868. A succession of good fishing seasons, and the development of the mining industry, lessened the difficulty of the step. Seven years later came a still more momentous proposal. "The period appears to have arrived," said Governor Hill, in his opening speech to the Legislature, "when a question which has for some time engaged public discussion, viz., the construction of a railway across the island to St. George's Bay, should receive a practical solution. . . . There is a well-founded expectation that the line of railway would attract to our shores the mail and passenger traffic of the Atlantic . . . and thus would be secured those vast commercial advantages which our geographical position manifestly entitles us to command. As a preliminary to this object a proposition will be submitted to you for a thorough survey, to ascertain the most eligible line, and with a view to the further inquiry whether the colony does not possess within itself the means of inducing capitalists to undertake this great enterprise of progress."

It is easy to forget, in speaking of Newfoundland until 1875, how very little was known of the interior. The Newfoundland with which we are concerned consisted in fact of a few towns on the coast, with a great and imperfectly explored interior behind them. Even down to the beginning of the twentieth century very little was known of

much of the island. It is difficult to assign limits to the developments which are probable when a thorough system of internal communication shall have given free play to each latent industry.

The first proposal was that a railway should be constructed from St. John's to St. George's Bay, but objections were made from England on the ground that the line would end on the French shore. Then came the proposal that it should run from St. John's to Hall's Bay, with branches to Brigus and Harbour Grace, covering in all a distance of about 340 miles. A joint committee of both Houses prepared a report, which became the basis of the Bill (1880). One sentence is worth quoting, because it states very clearly the difficulties which have played so large a part in the history of Newfoundland :

" The question of the future of our growing population has for some time enjoyed the earnest attention of all thoughtful men in this country, and has been the subject of serious solicitude. The fisheries being our main resource, and to a large extent the only dependence of the people, those periodic partial failures which are incident to such pursuits continue to be attended with recurring visitations of pauperism, and there seems no remedy to be found for this condition of things but that which may lie in varied and extensive pursuits. . . . Our fisheries have no doubt increased, but not in a measure corresponding



to our measure of population ; and even though they were capable of being expanded, that object would be largely neutralized by the decline in price which follows from a large catch, as no increase of markets can be found to give remunerative returns for an augmented supply."

The Act was passed, which empowered the raising of a loan of £1,000,000 for the purpose of constructing the proposed railway. By November, 1884, the line was completed as far as Harbour Grace ; by 1888 a further instalment of some twenty-seven miles was ready between Whitbourne and Placentia ; soon afterwards it was decided to recommence building the line northwards from St. John's to Hall's Bay, which has been discontinued through the failure of the contractors, and to carry out the scheme the Reid Contract was entered into.

We are now reaching a period when the leading parts are played by persons still or recently living, and the story must therefore be continued with the reserve proper to one who is not himself an inhabitant of Newfoundland. Particularly is this true of the much discussed Reid Contract, the circumstances of which are reserved, from their great importance, for a separate chapter.<sup>1</sup>

It is unfortunate that the ensuing stage of this short narrative should be marred by so much trouble, but, in fact, the last ten years of the nine-

<sup>1</sup> See chap. ix.

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teenth century have been among the most disastrous in the history of the island. In 1892 came the most destructive of all the fires with which St. John's has been afflicted. The fire broke out in a stable at five o'clock on the afternoon of Friday, July 8th, and lasted until nine o'clock on Saturday morning. It came at the end of a month's draught, was helped by a powerful wind, and found the town with a depleted water supply. Arising in an eastern suburb, the flames were carried right into the business centre of the town, and finally reached the rich warehouses of Water Street. Eye witnesses describe the heat as so intense that brick and stone offered little more resistance than wood. A mile of wharfage was destroyed, and Water Street completely gutted. "Over a vast area," wrote one who noted the effects, "nothing is now to be seen but tottering walls and chimneys." It was computed that 10,000 persons were left homeless, and that the total damage exceeded 20,000,000 dollars, of which less than 5,000,000 dollars were covered by insurance. The Savings Bank, the Hospital, the Masonic Hall, and the Anglican Cathedral, alike perished. To complete the misery of the sufferers, it soon became known that the food supply remaining was only sufficient for ten days. As in 1846, the sympathy of Canada was promptly and warmly shown. The day after the fire 4,000 dollars' worth of provisions were sent over, and military tents sufficient to

shelter 1,200 people. In England, a Mansion House fund was immediately opened by the Lord Mayor of London, and its final amount fell little short of £20,000. Sir Terence O'Brien, the Governor, and Lady O'Brien, happened to be in England at the time, and they threw themselves warmly into the cause of the colony.

In 1894, a misfortune of a different kind happened. On Monday, December 10th, the Commercial Bank, the Union Bank, and the Savings Bank, which had all been long established, were compelled to suspend payment. A widespread panic followed, and all business was paralysed. Workmen were dismissed wholesale, no money being available for the payment of their wages. To make the crisis graver still, the Union Bank was to have provided the interest on the Public Debt, which was payable in London on January 1st. The population feared that the crash would bring about riots and other dread occurrences. In aggravation of the risk the rumour spread that Newfoundland was about to be incorporated into the Dominion of Canada as a mere province. The Government telegraphed to the authorities in London for an immediate loan of £200,000, and requested that a warship should be despatched in view of imminent disturbances. The causes which led immediately to the failure were well stated in a Dalziel telegram to *The Times*:<sup>1</sup>

<sup>1</sup> December 14th, 1894.

" The immediate cause of the financial crisis which has overwhelmed Newfoundland was the death of Mr Hall, a partner in the firm of Messrs Prowse, Hall & Morris, the London agents of the firms exporting fish to European markets. On his death the firm declined to meet further exchanges until an investigation of their affairs had been made. Their bills were protested, and the banks made demands on the Commercial Bank of St. John's, which was the drawer of the bills, and which, being unable to meet the demands made upon it, fell back upon its mercantile customers. These could not respond, and the bank had to suspend operations. The customers were compelled to make assignments, and nearly every business house in the colony was crippled, so interwoven are the affairs of one establishment with those of another.

" The situation was only possible under the peculiar business customs of the colony. The fishing industry here is pursued under a system of advances for vessels and equipments made by the merchants to the fishermen, who gave the catch at the end of the season in exchange. The merchants receive large advances from the only two banks doing business here, the Union Bank of Newfoundland and the Commercial Bank. By backing each other's bills the banks are enabled to carry on operations, and then at the close of the year, when the produce of the fisheries



is realized, they are able to settle their overdrafts.

"The disaster happened at a most unfortunate time. If it had been postponed for another month the merchants would have realized on most of the fish, and the assets would have been far more valuable. At present, 2,000,000 dollars' worth of fishery products are stored in St. John's awaiting the means of shipment. Until financial aid from the outside world is obtained, it is impossible to place the fish on the market."

At this time the financial position of the colony was thoroughly unsound. Its population numbered roughly 200,000 persons, and its Public Debt amounted to 14,000,000 dollars, or nearly three million pounds sterling. The Ministry of the day resigned, after an unsuccessful attempt to form a coalition Government, and its successors applied for Imperial help, an application which logically involved the surrender of the Constitution. In fact, the unassisted credit of the colony seemed hopeless, for in a year or two the railway reckonings had to be met. The Government had issued bonds whereof yearly interest was to become payable on completion, amounting to almost a third of the total revenue of the colony.<sup>1</sup>

Such temporary measures as the nature of the crisis admitted were taken locally. The

<sup>1</sup> See General Dashwood's letter to *The Times*, December 18th, 1894.

Legislature passed two Bills guaranteeing a portion of the note issue of both the Union Bank and the Commercial Bank; while a loan of 400,000 dollars was procured from the Bank of Montreal, and additional loans from the Bank of Nova Scotia and the Royal Bank of Canada: thus "the financial sceptre passed to Canada."<sup>1</sup> At the same time the manager and directors of the Commercial Bank were arrested on a charge of having presented a fraudulent balance sheet. Reuter's correspondent at St. John's noted that in this time of trouble the idea of union with Canada gained ground rapidly. How hopeless the position seemed to calm observers on the spot may be gathered from the following vivid extracts from a letter by *The Times* correspondent at St. John's:<sup>2</sup>

"Twelve large firms controlled the whole export trade of the colony—fish oils and fish products, valued at about 7,000,000 dollars. Of these twelve only two remain . . . and these are sorely stricken. These firms occupied the whole water-side premises of St. John's, gave employment to hundreds of storekeepers, coopers, stevedores, and others, beside some thousands of unskilled labourers occupied in the handling of the fish. All these men are now without a day's work, or any means of obtaining it. The isolation of the colony, away out in the Atlantic with no neighbour, is its greatest curse. People unemployed cannot

<sup>1</sup> Rogers, p. 189.

<sup>2</sup> January 17th, 1895.

emigrate, but must swell an army of industrials depending on the Government for relief. The city is a veritable aggregation of unemployed ; it is a city to let. Every business, factory, wharf, store, or shop employing labour has either suspended business or has curtailed the number of its employees to the lowest possible limit. It is not unreasonable to estimate the number unemployed here to-day at 6,000, every one of whom must be without work until spring opens."

It is not surprising to find that in this difficulty the minds of the colonists turned towards the Imperial Exchequer. But the distinction is vital between an Imperial grant in relief of a visitation of nature and a grant in relief of financial disasters which may be the result of improvidence or extravagance. The Imperial Exchequer is drawn from complex sources, and cannot be diverted to irregular purposes without injustice to large numbers of poor people. These facts were not unnaturally overlooked in Newfoundland, for in trouble the sense of proportion is apt to disappear. Thus on March 2nd, 1895, Sir W. Whiteway, the Newfoundland Premier, in a letter to *The Times*, said :

" We have approached Her Majesty's Government, and solicited a mere guarantee of interest to the amount of a few thousand pounds per annum for a limited period, in order to enable the colony to float its loans and tide it over the

present temporary difficulties. Up to date the people of this old, loyal colony have received no response. They have been struggling against difficulties in the past, and if they still have to trust to their own inherent pluck, and to the resources of the country, they must only passively submit, although they may the more bitterly feel the heartless treatment of the Imperial Government towards them."

The touch of bitterness in Sir William White-way's letter was, perhaps, unreasonable. Mr Goodridge was Premier at the time of the crash, and his Government at once appealed for help to England, on the ground that if it were not forthcoming the colony would be unable to meet its obligations. A proposal was added that a Royal Commission should be appointed to inquire into the whole political and commercial position of the colony. Mr Goodridge was unable to keep his place, and his Government was followed by that of Mr Greene. The new Government at once inquired whether, if the Newfoundland Legislature acquiesced in the appointment of a Commission, financial help would be immediately forthcoming. They desired information also as to the scope of the Commission and the terms on which assistance would be given. To this the answer was inevitable, that all these points must depend upon the findings of the Commission. In fact, the Colonial Government wished for an unconditional loan and an



assurance that the Constitution of the island would not be interfered with. Mr Greene, in turn, proved unable to hold his ground, and was succeeded by Sir William Whiteway. The latter substituted for the earlier proposals a request that the Newfoundland bonds should be guaranteed by the Imperial Government; the suggested Commission being ignored. This was the request referred to in Sir William's letter. Now it is very clear that although the amount involved was relatively small, a very important principle was raised. Responsible government has its privileges and its obligations, the latter of which flow logically from the former. The Imperial Government charges itself with responsibility for the finances of a Crown colony because it directs the policy and determines the establishment on which the finances so largely depend. It is not reasonable to ask that the British taxpayer should assume responsibility for liabilities incurred by a colony with responsible government. The *toga virilis* has responsibilities. The case might, perhaps, be different if there were no danger that the concession of help might be drawn into a precedent. But it must never be forgotten that the aggregate public debts of the self-governing colonies at about that time exceeded £300,000,000.

The crisis of 1895 has been dealt with at some little length, because it would be impossible otherwise to understand the occasion of the great Reid

Contract, which will form the subject of the next chapter. It so happens that the last ten years of the nineteenth century have been more momentous than any equal period in the history of the colony.

## CHAPTER IX

### THE REID CONTRACT—GENERAL PROGRESS AND RECENT HISTORY

THE next few years may be dismissed briefly, for they were years of unrelieved melancholy, from the point of view of the public financial policy and the political development of the colony. Nor did the disease admit of a readily applicable remedy. The experience of each decade had shown more and more clearly that the colony had nothing in reserve—no variety of pursuits to support the general balance of prosperity by alternations of success. Potentially its resources were almost incalculably great, but their development was impossible without capital or credit. The colony had neither. Under these circumstances took place the General Election of October, 1897. The assets of the colony were not before the electorate, and there was no reason to suppose that financial proposals of an extraordinary kind were in contemplation. The result of the election placed Sir James Winter in power. In six months the famous "Reid Contract" had been entered into—a contract which must be described at some

length in these pages, partly because it throws a vivid light upon the constitutional relations between the Mother Country and a self-governing colony, partly because it appears to be incomparably the most important event in the recent history of Newfoundland.

On February 22nd, 1898, Mr Chamberlain received a telegram from the Governor, Sir Herbert Murray, advising him that a novel resolution had been submitted to the Houses of Legislature by his responsible advisers. A fuller telegram six days later, and a letter intervening, explained the proposals in detail. To put the matter as shortly as possible, the Government advised the sale to a well-known Canadian contractor, Mr R. G. Reid, of certain valuable colonial assets. In the first place, Mr Reid was to purchase all lines of railway from the Government for 1,000,000 dollars; this amount was the price of the ultimate reversion, the contractor undertaking to operate the lines for fifty years on agreed terms, and to re-ballast them. If he failed in this operation his reversionary rights became forfeit. For carrying the Government mails he was to receive an annual subsidy of 42,000 dollars. Minute covenants by the contractor were inserted in the draft contract, "in consideration whereof," it continued, "the Government hereby covenant and agree to and with the contractor, to grant to him in fee simple . . . 5,000 acres of land for each one mile of main line



or branch railway throughout the entire length of the lines to be operated: the expression 'in fee simple' to include with the land all mines, ores, precious metals, minerals, stones, and mineral oils of every kind." Besides these general concessions a particular grant of mineral land was made. The areas of land near Grand Lake, in which coal had been discovered, were transferred to Mr Reid, on condition that he should so work the coal mines as to produce not less than 50,000 tons of coal per annum.

The contract then passed on to deal with the service of mail steamers. Under this head eight steamers for various services were to be provided by the contractor, and by him manned and equipped. In consideration therefor the Government undertook to pay subsidies upon an agreed scale. The docks were next disposed of. Under this head the Government agreed to sell to the contractor the St. John's Dry Dock for 325,000 dollars. The next available asset was the telegraph service. Here the agreement provided that the contractor should assume responsibility for all telegraph lines until 1904, in return for an annual subsidy of 10,000 dollars, and after 1904, until the period of fifty years was completed, should maintain them free of any charge to the colony by way of subsidy or otherwise.

By a later section of the draft contract it was provided that the contractor should not assign

or sublet the contract, or any part or portion thereof, to any person or corporation whomsoever without the consent of the Government. The language of this prohibition is curiously general, and is indeed sufficient in its terms to prohibit assignments *mortis causa*, as well as those *inter vivos*. Such a result can hardly have been contemplated.

By the last section it was recorded that "the Government undertake to enact all such legislation as may be necessary to give full effect to the contract and the several clauses and provisions thereof, according to the spirit and intent thereof, and also such as may be necessary to facilitate and enforce the collection and payment of fares and rates, the preservation of order and discipline in the trains and stations, and generally to give to the contractor all such powers, rights, and privileges as are usually conferred upon or granted to railways and railway companies for the purposes of their business."

Such, in barest outline, was the proposal of which Mr Chamberlain was informed by Governor Murray. It certainly involved a sacrifice incalculably grave of the colony's prospects, but those who brought it forward no doubt reflected on the truism that he who has expectations, but neither assets nor credit, must reinforce the latter by drawing in some degree upon the former. In fact, it seems to have been doubtful whether, at the time, the

colony could by any device meet its obligations as they became due. The force of these observations must be frankly conceded ; but it may still be doubted whether a less desperate remedy was not within the grasp of resourceful statesmanship. In his first telegram, sent on March 2nd, 1898, Mr Chamberlain called attention to the more apparent objections :

“ The future of the colony will be placed entirely in the hands of the contractor by the railway contract, which appears highly improvident. As there seems to be no penalty provided for failure to operate the railways, the contract is essentially the sale of a million and a quarter acres for a million dollars.”

From the legal point of view the contract was a very singular one. The Government of Newfoundland, in fact, assumed to bind its successors by a partial abdication of sovereign power. Yet the same capacity which enabled the then Government to bind itself would equally and evidently inhere in its successors to revoke the obligation. Those who are struck by the conscientious obligation which the then Government could no doubt bequeath, may ask themselves how long a democratically governed country would tolerate corruption or ineptitude in the public service on the ground that the monopolist worker of them had inherited a franchise from an ancestor who had known how to exploit the public necessities. The

virtual expropriation of the Irish landlords, which was in progress in the United Kingdom, may have been right or it may have been wrong ; it is at least a far more startling interference with vested interest than would be the resumption by a State of control over heedlessly aliened public services.

Whatever be the force of these observations, the disadvantages of the Newfoundland Government's specific proposals were patent enough. Nor were they unperceived in the colony, and in particular by the enemies of the Ministry. The islanders stopped fishing and took to petitions. These were numerous and lengthy, and it is only proposed to consider here the petition which was sent by dissentient members of the House of Assembly, containing a formidable indictment of the proposed agreement. The objections brought forward may be briefly summarized :

1. The electors were never consulted.

2. The Bill was an absolute conveyance in fee simple of all the railways, the docks, telegraph lines, mineral, timber, and agricultural lands of the colony, and virtually disposed of all the assets, representing a funded debt of 17,000,000 dollars, for £280,000.

3. While the Bill conveyed large and valuable mineral, agricultural, and timber areas, amounting, with former concessions, to four million acres, it made no provision for the development of these lands.



4. The conveyance embraced the whole Government telegraph system of the colony.

5. It included a monopoly for the next thirty years of the coastal carrying trade.

6. It included the sale of the dry dock, and the granting, without consideration, of valuable waterside property belonging to the Municipal Council of St. John's.

On March 23rd Mr Chamberlain answered the representation of Governor Murray, and the profuse petitions which the latter had forwarded. Both from the general constitutional significance of the reply, and its particular importance in the history of Newfoundland, it is convenient to reproduce the letter in full :

Mr Chamberlain to Governor Sir H. H. Murray.

Downing Street,  
March 23rd, 1898.

SIR,—In my telegram of the 2nd instant I informed you that if your Ministers, after fully considering the objections urged to the proposed contract with Mr R. G. Reid for the sale and operation of the Government railways and other purposes, still pressed for your signature to that instrument, you would not be constitutionally justified in refusing to follow their advice, as the responsibility for the measure rested entirely with them.

2. Whatever views I may hold as to the pro-

priety of the contract, it is essentially a question of local finance, and as Her Majesty's Government have no responsibility for the finance of self-governing colonies, it would be improper for them to interfere in such a case unless Imperial interests were directly involved. On these constitutional grounds I was unable to advise you to withhold your assent to the Bill confirming the contract.

3. I have now received your despatches as noted in the margin, giving full information as to the terms of the contract, and the grounds upon which your Government have supported it, as well as the reasons for which it was opposed by the Leader and some members of the Opposition.

4. I do not propose to enter upon a discussion of the details of the contract, or of the various arguments for and against it, but I cannot refrain from expressing my views as to the serious consequences which may result from this extraordinary measure.

5. Under this contract, and the earlier one of 1893, for the construction of the railway, practically all the Crown lands of any value become, with full rights to all minerals, the freehold property of a single individual: the whole of the railways are transferred to him, the telegraphs, the postal service, and the local sea communications, as well as the property in the dock at St. John's. Such an abdication by a Government of some of its most important functions is without parallel.

6. The colony is divested for ever of any control over or power of influencing its own development, and of any direct interest in or direct benefit from that development. It will not even have the guarantee for efficiency and improvement afforded by competition, which would tend to minimize the danger of leaving such services in the hands of private individuals.

7. Of the energy, capacity, and character of Mr Reid, in whose hands the future of the colony is thus placed, both yourself and your predecessor have always spoken in the highest terms, and his interests in the colony are already so enormous that he has every motive to work for and to stimulate its development ; but he is already, I believe, advanced in years, and though the contract requires that he shall not assign or sublet it to any person or corporation without the consent of the Government, the risk of its passing into the hands of people less capable and possessing less interest in the development of the colony is by no means remote.

8. All this has been fully pointed out to your Ministers and the Legislature, and I can only conclude that they have satisfied themselves that the danger and evils resulting from the corruption which, according to the statement of the Receiver-General, has attended the administration of these services by the Government, are more serious than any evils that can result from those services being transferred unreservedly to the hands of a private

individual or corporation ; and that, in fact, they consider that it is beyond the means and capacity of the colony to provide for the honest and efficient maintenance of these services, and that they must, therefore, be got rid of at whatever cost.

9. That they have acted thus in what they believe to be the best interests of the colony I have no reason to doubt ; but, whether or not it is the case, as they allege, that the intolerable burden of the Public Debt, and the position in which the colony was left by the contract of 1893, rendered this sacrifice inevitable, the fact that the colony, after more than forty years of self-government, should have to resort to such a step is greatly to be regretted.

10. I have to request that in communicating this despatch to your Ministers you will inform them that it is my wish that it may be published in the *Gazette*.

I have, etc.,

J. CHAMBERLAIN.

Some of the inferences set forth in the Colonial Secretary's lucid letter were questioned by the Newfoundland Government, but substantially his conclusions were not assailed. The decision of the Imperial Government by no means stayed the voice of local agitation, and the stream of petitions continued to grow. In a further letter to Governor Murray, dated December 5th, 1898, Mr Chamberlain



laid down the great constitutional doctrine which is the Magna Charta of Greater Britain. Every student of colonial politics should be familiar with these passages :

“ The right to complete and unfettered control over financial policy and arrangements is essential to self-government, and has been invariably acknowledged and respected by Her Majesty’s Government, and jealously guarded by the colonies. The Colonial Government and Legislature are solely responsible for the management of its finances to the people of the colony, and unless Imperial interests of grave importance were imperilled, the intervention of Her Majesty’s Government in such matters would be an unwarrantable intrusion and a breach of the charter of the colony.

“ It is nowhere alleged that the interests of any other part of the Empire are involved, or that the Act is any way repugnant to Imperial legislation. It is asserted, indeed, that the contract disposes of assets of the colony over which its creditors in this country have an equitable, if not a legal claim ; but, apart from the fact that the assets in question are mainly potential, and that the security of the colonial debt is its general revenue and not any particular property or assets, I cannot admit that the creditors of the colony have any right to claim the interference of Her Majesty’s Government in this matter. It is on the faith of the Colonial Government and Legislature that they

have advanced their money, and it is to them that they must appeal if they consider themselves damnified.

“No doubt, if it was seriously alleged that the Act involved a breach of faith or a confiscation of the rights of absent persons, Her Majesty’s Government would have to consider it carefully, and consider whether the discredit which such action on the part of a colony would entail on the rest of the Empire rendered it necessary for them to intervene. But no such charge is made, and if Her Majesty’s Government were to intervene whenever the domestic legislation of a colony was alleged to affect the rights of residents, the right of self-government would be restricted to very narrow limits. . . .

“The fact that the constituencies were not consulted on a measure of such importance might have furnished a reason for its rejection by the Upper Chamber, but would scarcely justify the Secretary of State in advising its disallowance even if it were admitted as a general principle of constitutional government in Newfoundland that the Legislature has no right to entertain any measure of first importance without an immediate mandate from the electors.”

The passing of the particular Bill by no means brought the Reid controversy to an end. In fact, the General Election in Newfoundland, of which the result was announced in November 1900,

was fought entirely upon this absorbing question. The issue arose in the following way. The contract contained a clause providing that Mr Reid should not assign his rights over the railway without the consent of the Government. Mr Reid applied to the Government of Sir James Winter for such consent, but when that Government was defeated in February 1900, no answer had been received. Mr Reid wished to turn all his holdings in the colony over to a corporation capitalized at 25,000,000 dollars, he and his three sons forming the company. On the properties included he proposed to raise 5,000,000 dollars by debenture bonds, this sum to be expended in development.<sup>1</sup>

A Liberal Ministry under Mr Bond, who had consistently opposed the Reid arrangements, displaced Sir James Winter. Finding himself unable to hold his own in the Assembly, Mr Bond formed a coalition with Mr Morris, the leader of a section of Liberals who had not associated themselves with the party opposition to the contract. The terms of accommodation were simple: "The contract was to be treated as a *fait accompli*, but no voluntary concessions were to be made to Mr Reid except for a consideration." Consistently with this view, Mr Reid was informed by the Government that the permission he requested would be given upon the following terms:

<sup>1</sup> See a letter from the able correspondent of *The Times* in Newfoundland, November 6th, 1900.

(1) He should agree to resign his proprietary rights in the railway.

(2) He should restore the telegraphs to the ownership of the Government.

(3) He should consent to various modifications of his land grants in the interest of squatters able to establish their *de facto* possession.

To these terms the contractor was not prepared to accede. It is difficult not to feel sympathy with his refusal. I had the advantage of hearing the contention on this point of a well-known Newfoundland Liberal, who brought forward intelligible, but not, I think, convincing arguments. The clause against assignment without the consent of Government ought surely to be qualified by the implied condition that such consent must not be unreasonably withheld. In the private law of England equity has long since grafted this implication upon prohibitions against assignment. If, however, the Government had been content with a blunt *non possumus*, a case could no doubt have been made out for insisting upon their pound of flesh. They chose, however, to do the one thing which was neither dignified nor defensible: they offered to assent to an assignment on condition that Mr Reid surrendered his most valuable privileges. It is no answer to say, as many Newfoundland Liberals did say: We opposed the contract from the start, and it is therefore impossible for us to assent to any extension of the contractor's



privileges. In fact, such an argument seems to betray an inability to understand the ground principle on which party government depends. That principle, of course, is the loyal acceptance by each party on entering office of the completed legislation of its predecessors. To borrow a metaphor from the Roman lawyers, the *hereditas* may be *damnosa*, but the party succeeds thereto as a *hæres necessarius*. Any other rule would substitute anarchy for order, and an endless process of reversing the past for a salutary attention to the present.

It must, on the other hand, be admitted that Mr Reid's conduct was not very well chosen to reassure his critics. He threw himself heart and soul into the General Election which became imminent, and displayed little judiciousness in his selection of nominees to fight seats in his interests. It is hard to suppose that independent men were not discoverable to lay stress on the immediate relief to the colony which the contract secured, and the inexorable necessity of which it might plausibly be represented to be the outcome. Mr Morine was Mr Reid's solicitor. He was a prominent Conservative and Minister of Finance, and his influence in the Assembly (where his connection with Mr Reid was apparently unknown) had been exerted in favour of the contract. When challenged on the point, Mr Morine asserted that he advised Mr Reid only on private matters,

in which his interests would not come into conflict with those of the colony. Compelled to resign, however, by Governor Murray on account of the apparently incompatible duality of his position, he was reinstated (April, 1899) by Governor M'Callum, on an undertaking that his connection with Mr Reid should be suspended during office. Mr Morine became leader of the Conservative party on the retirement of Sir James Winter, re-assuming at the same time his business relations with Mr Reid. In concert with the latter he began a political campaign in opposition to the Liberal party. His partner, Mr Gibbs, fought another seat in the same interest. *The Times* correspondent above referred to gives an amusing account of other candidates :

“ One of Mr Reid's sons has been accompanying him through his constituency, and is mooted as a candidate. Two captains of Reid's bay steamers are running for other seats. The clothier who supplies the uniforms for Reid's officials is another, and a shipmaster, who until recently was ship's husband for the Reid steamers, is another. His successor, who is a member of the Upper House, has issued a letter warmly endorsing Mr Morine's policy, and it is now said that one of Reid's surveying staff will be nominated for another constituency.”

It may easily be imagined that to the ordinary voter the Conservative *personnel* proved somewhat

disquieting. Success at the polls would have enabled Mr Reid to say, with Louis XIV.—“ *L'Etat, c'est moi.*” Amid extraordinary excitement the election was fought in the autumn of 1900 on the sole issue of the Reid contract, and resulted in a sweeping victory for the Liberal party, supporting Mr Bond in his policy as to Mr Reid's monopolies.

The Reid Contract has been dealt with at this length at a sacrifice of proportion which the writer believes to be apparent rather than real. Newfoundland is newly emerged from infancy. The story of its childhood is relatively uneventful, but the political experiments of its adolescence must be of absorbing interest to all students of politics.

In 1901 an Act was passed giving sanction to a new agreement with Mr Reid in regard to the railways, and incorporating the Reid Newfoundland Company. Under the agreement the sum of one million dollars was to be paid to him in consideration of the surrender by him of the right to own the railway at the end of 1938; and 850,000 dollars instead of  $2\frac{1}{2}$  million acres of land to which he had become entitled as a bonus for undertaking to operate the railway until 1938. He still had, however, claims in respect of certain rolling-stock and equipment that had been provided under earlier contracts; and also claims arising through the surrender of the telegraphs. All these were submitted to arbitration, resulting in awards to Mr Reid of 894,000 dollars and  $1\frac{1}{2}$  million dollars

respectively. However, under the new arrangement, Mr Reid ceased to be the virtual owner of the railway system; and became merely a contractor for its operation. The Reid Newfoundland Company, by agreement with Mr Reid, and with a capital of 25 million dollars, came into possession of over  $2\frac{1}{2}$  million acres of land, with timber, mineral, and other rights thereon, and took over all existing contracts for working the railway, and mail and steamboat services of the colony, including St. John's Dry Dock and the St. John's tramways, as well as powers for electric lighting in the capital. The new Company commenced operations on September 1st, 1901.

With the beginning of the twentieth century was inaugurated an epoch of political as well as economic progress in the history of the island. The numerous and widespread activities of the new enterprise gave a great impetus to the colony: it ensured the efficient working of the railway, and gave employment at a good wage to an army of working men in the various branches, and also in connection with the flotilla of steamers that were run. Other spheres of activity were gradually opened up, *e.g.* the establishment of a sawmill to furnish the timber necessary for the various needs of the scheme, the opening of a granite quarry to supply material for bridge building and paving the streets of the capital, the development of a slate area and oil boring, coal mining,



the construction of a hotel in St. John's, etc. The expansion of the undertaking increased from year to year, and included such projects as the establishment of flour mills, pulp and paper mills, etc. Next to the Government itself, the Reid Company became the largest paymaster in the island.<sup>1</sup>

Other factors contributing to the material advancement of the country were the development of the iron mines at Belle Island, and the production of pulp and paper by the "Anglo-Newfoundland Development Company," the initiators and controllers of which were Messrs Harmsworth, the well-known newspaper proprietors. This company was followed soon afterwards by the Albert Reed Company of London.

A few of the main events in the recent history of the colony may now be referred to; these, taking us down to the Great War, will suitably conclude the present chapter. First may be mentioned a curious development in the political arena. In 1902 the Ministerial candidates suffered a complete defeat in a by-election; and this result was attributed to two causes—in the first place, deficient fishing returns, and secondly, popular dissatisfaction at the monetary gains secured by Mr Reid. The contest of 1904 was further complicated by the formation of a number of factions in the ranks of the Opposition. The latter eventually joined their forces under five leaders, and,

<sup>1</sup> P. T. M'Grath, "Newfoundland in 1911," p. 24.

including all elements hostile to the party in power, took the field against the Bond-Morris Government. But the sympathies of the people were alienated from such an unusual combination, composed as it was of antithetical constituents, and when it was in addition rumoured that their aim was to effect a union with Canada, they suffered a severe reverse at the elections. Only Mr Morine was returned for his constituency ; and he had no more than five followers in the Assembly. In these circumstances it was thought that Sir Robert Bond's administration was ensured a long term of office. But in July 1907 Sir Edward Morris, then Minister of Justice, resigned through a disagreement with the Premier on a question of the amount of wages to be paid to the employees in the Public Works. The Opposition under Mr Morison (succeeding Mr Morine, who had shortly before left Newfoundland for Canada) co-operated with leading supporters of Sir Edward Morris and invited him to become the leader of a united party. He accepted the offer, and issued a manifesto in March 1908, indicating his policy. The number of his adherents increased, as a result of his efforts in the Assembly. In the following November the quadrennial general election took place, which was vigorously—indeed bitterly—contested ; and the result was a tie, eighteen supporters having been returned for Sir Robert Bond, and eighteen for the Opposition—a unique occurrence apparently

in the history of self-governing colonies. The success of Sir Edward Morris was regarded as remarkable, in view of several disadvantages from which he suffered in the eyes of large sections of the population, *e.g.* his being a Roman Catholic (every Premier during the preceding half century had been a Protestant), his alleged sympathy with Mr Reid, and his alleged support of union with Canada. The Governor, Sir William MacGregor, having been requested by Sir Robert Bond to summon the Legislature, was then required by him, on the very eve of the session, to dissolve it, without giving it an opportunity to meet. The Governor refusing to do this, Sir Robert Bond, conformably to usage, resigned along with his cabinet. Sir Edward Morris was accordingly called upon to form a ministry; but at the meeting of the Assembly the attempt to elect a Speaker failed, owing to the opposition of the Bond party. The Governor next endeavoured to obtain a coalition Ministry, but failed, and a dissolution was granted (April, 1909). At the election in May the Morris administration was returned with a substantial majority—the new ministry for the first time in the history of the island consisting entirely of natural-born Newfoundlanders. The course adopted by the Governor, who had been charged by followers of Sir Robert Bond with partisanship and unconstitutional conduct, was thus vindicated by the election, and also approved by the Imperial authorities.

In a despatch from the Colonial Office, November 14th, Lord Crewe observed :

“ . . . It will be learned from my previous despatches and telegrams that your action throughout the difficult political situation, which was created in the colony by the indecisive result of the last general election, has met with my approval, but I desire to place publicly on record my high appreciation of the manner in which you have handled a situation practically unprecedented in the history of responsible Government in the Dominions. I may add that I consider your decision to grant a dissolution to Sir Edward Morris—which has, I observe, been adversely criticized in a section of the Newfoundland press—to have been fully in accordance with the principles of responsible Government.”

In 1913 the growing prosperity of the fish trade was still further increased by the passing of the new United States tariff law, which admitted fish to the United States free of duty. Further, the opening of the Panama Canal made possible the establishment of new markets.

Now we come to the next momentous event in the history of modern Newfoundland, as it is in that of the modern world generally—namely, the outbreak of the Great War in August 1914. The colony, like all the other British dominions and possessions, was fully alive to the justice of the British cause, and, like the others, was resolved



as a faithful and dutiful daughter to contribute to the military, naval, and material resources of the Mother Country. This manifestation of colonial association and unity was a remarkable feature throughout the war, and will ever be memorable as a token of the undying bonds that unite the scattered constituents of the British Empire, and of the common feelings and ideals that inspire the various sections of the British family. Despite doubt and solicitude as to the effect on trade, especially on the fish markets, on which Newfoundland is so much dependent, the colony devoted itself wholeheartedly to the prosecution of the war.

In September 1914 a special war session of the Legislature was held, and several measures were passed, making provision for the raising of a volunteer force of 1,000 men, for increasing the number of Naval Reserve from 600 to 1,000 men, and for raising a loan (which was subsequently furnished by the Imperial Government) for equipping and maintaining the projected contingents. It may be pointed out here that about the end of the nineteenth century the colony, desiring to participate in the obligations—and indeed privileges—of Imperial defence, took steps to establish a Royal Naval Reserve. From 1900 a number of men volunteered as reservists, and entered for six months' training on one of the vessels of the North American and West Indian squadron. In 1902 a training ship, H.M.S. *Calypso*, was stationed in St. John's

harbour, where the 600 men—the number proposed—might duly complete their training. Before the war the Naval Reserve establishment amounted to 580. There were besides local Boys' Brigades, but no military force whatever.

In 1915 considerable efforts were made. By the end of the year a military contingent of 2,000 men was raised, and the Naval Reserve was enlarged to 1,200. In November a plebiscite was taken in regard to the question of total prohibition, and a majority decided in its favour ; so that from January 1st, 1917, the manufacture, importation, and sale of intoxicating liquors were prohibited.

In 1916 a battalion of the Newfoundland regiment took part in a good deal of severe fighting in France ; and it was maintained to full strength by regular drafts from home.

In the meantime an Act was passed imposing restrictions on the killing of seals in Newfoundland waters, the object being to prevent their extermination.

A political question that especially engaged the attention of the colony at this time was its relation to the Canadian Federation, but no progress was made towards the solution of the long standing problem. The following year it became again the chief concern (apart from the war) of the island's electorate. In June the question was raised in the Federal House of Commons at Ottawa ; and members spoke in favour of union, declaring that from information

received it appeared that the disposition of Newfoundland was becoming more and more in favour of it.<sup>1</sup> In July a coalition Ministry was established, and a Bill was passed prolonging the life of the Parliament for twelve months, as it would normally have expired in October. In the early part of this year, Sir Edward Morris, the Premier, was in London and represented Newfoundland at the Imperial War Conference.

During the last year of the war the population found itself much more affected by the world conflict than it had been in the preceding years. Additions to the Newfoundland contingent under the voluntary system were becoming inadequate : accordingly, the new Government, of which Mr W. F. Lloyd was Premier, decided to introduce a Bill for the purpose of establishing conscription. This was of a selective character, that is, applying to all unmarried men and widowers without children, between the ages of 19 and 39. The conscripts were to be divided into four classes according to age, the youngest being called up first. The Bill was passed, and the measure proved to be a successful one.

After the conclusion of the Armistice in November, the Prime Minister, the Right Hon.

<sup>1</sup> This question has already been referred to several times in the preceding pages (see especially beginning of chap. viii). It may be added here that in March 1906, the Prime Minister of Canada stated that the Government of Newfoundland was fully aware that the Government of Canada was ready to entertain a proposal for the entry of the island into the confederation.

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Sir William F. Lloyd, K.C.M.G., acted as the representative of Newfoundland at the Paris Peace Conference (1919).

In concluding this chapter it will be of interest to give a few facts and figures showing Newfoundland's effort and record in the war.<sup>1</sup>

### (1) PERSONNEL

At the outbreak of war there was no military force in Newfoundland. There was, however, a pre-war establishment of 580 Naval Reservists besides local Boys' Brigades.

Newfoundland contributed to the fighting forces of the Empire 11,922 all ranks, consisting of 9,326 men for the Army, 2,053 men for the Royal Naval Reserve, 500 men for the Newfoundland Forestry Corps, and 43 nurses.

The Royal Newfoundland Regiment furnished a battalion for the Gallipoli campaign and sent 4,253 men to France and Belgium, suffering the following casualties :

Killed in action and died of wounds .	1,082
Died from other causes . . . . .	95
Missing . . . . .	18
Prisoners of War . . . . .	152
Wounded . . . . .	2,314
Total	<u>3,661</u>

<sup>1</sup> For the statement following the writer is indebted to Sir Edgar Bowring, the High Commissioner of Newfoundland.



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The following decorations were won by the Regiment :

1 V.C., 2 C.M.G., 4 D.S.O., 28 M.C., 6 Bars to M.C., 32 D.C.M., 1 Bar to D.C.M., 105 M.M., 8 Bars to M.M., 1 O.B.E., 22 Mentions in Despatches, 21 Allied Decorations, 3 other medals : Total, 234.

In the Royal Naval Reserve 167 men were killed in action and 124 invalided out of the Service.

3,000 Newfoundlanders enlisted in the Canadian and other forces (outside Newfoundland), but there is no statistical record of casualties regarding them, although it is known they were heavy.

### (2) MONEY, ETC.

Total receipts, Cot Fund <sup>1</sup>	.	.	\$129,200
„ „ Aeroplane Fund	.	.	53,487
„ „ Red Cross Fund	.	.	151,500
„ „ Patriotic Fund	.	.	166,687

A War Loan of \$6,000,000 was raised by Newfoundland.

A large quantity of Red Cross material, etc., was sent from the Dominion during the war to the various organizations overseas, in addition to many thousands of dollars worth of comforts for the troops.

Newfoundland provided the pay and allowances of the Royal Newfoundland Regiment (6,326 all

<sup>1</sup> Instead of maintaining a hospital overseas, Newfoundland supported 301 beds in addition to 32 in Newfoundland.

ranks) and made up the difference in pay to bring the Royal (Newfoundland) Naval Reserve to the same scale as that of the Royal Newfoundland Regiment, besides equipping the Royal Newfoundland Regiment before proceeding overseas.

## CHAPTER X

### THE FRENCH SHORE QUESTION

It has been impossible in the above pages to avoid reference to the Anglo-French disputes in Newfoundland, but it seemed convenient to postpone a detailed examination of the question to a separate chapter. No apology is necessary for such a chapter even in a work so slight as the present, for the French Shore question was chronically acute in Newfoundland, and the French claims, like George III.'s prerogative, were increasing, had increased, and ought to have been diminished. The dispute is partly historical, partly legal, and can only be explained by reference to documents of considerable age.

The French connection with Newfoundland was encouraged by the nearness of Canada, and in quaint names, such as Bay Fâcheuse and Point Enragée, it has bequeathed lasting reminders. For centuries the French, like the Dutch, went on giving too little and asking too much. By the time of Louis XIV. they had in fact established themselves—an *imperium in imperio*—upon the south coast, and William of Orange in the declara-

tion of war against his lifelong enemy recited the English grievances :

“ It was not long since the French took licences from the Governor of Newfoundland to fish upon that coast, and paid a tribute for such licences as an acknowledgment of the sole right of the Crown of England to that island ; but of late the encroachments of the French, and His Majesty’s subjects trading and fishing there, had been more like the invasion of an enemy than becoming friends who enjoyed the advantages of that trade only by permission.”

The Treaty of Ryswick, in 1697, contained no mention of Newfoundland, and the French were, therefore, left in enjoyment of their possessory claims. In 1710 the splendid genius of Marlborough had brought Louis XIV. to his knees, and the arguments supplied by the stricken fields of Blenheim and Ramillies, Oudenarde and Malplaquet, should have made easy the task of English diplomacy. But from a corrupt political soil sprang the Treaty of Utrecht, the first leading instrument in the controversy of which we are attempting to collect the threads. The merits of the dispute cannot be understood without a careful study of Article 13 of the Treaty. It was thereby provided that :

“ The island called Newfoundland, with the adjacent islands, shall from this time forward belong of right wholly to Britain, and to that end the town and fortress of Placentia, and whatever



other places in the said island are in possession of the French, shall be yielded and given up within seven months from the exchange of the ratifications of this Treaty, or sooner if possible, by the most Christian King to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them. Moreover it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any building there, besides stages made of boards, and huts necessary and useful for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish and to dry them on land in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence, running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breta, as also all others, both in the mouth of the River St. Lawrence and in the Gulf of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or places there."

The Treaty of Paris, in 1763, confirmed this arrangement, and twenty years later the Treaty of Versailles contained the following provision upon the subject :

“ The XIIIth Article of the Treaty of Utrecht and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there ; it shall not be deviated from by either party ; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there ; the subjects of His Majesty Britannic on their part not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence.” But for the boundaries prescribed by the Treaty of Utrecht (*viz.* those limited by Cape Bonavista and Point Riche) new boundaries were substituted, *viz.*, those limited by Cape St. John round by the north to Cape Ray. The coast thus indicated came to be known as the “ French shore.”

As the declaration annexed to the above treaty was often relied upon by French diplomatists, it may be conveniently set forth in this place :

“ . . . In order that the fishermen of the two nations may not give a cause of daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery

of the French during the temporary exercise of it which is granted to them. . . . His Majesty will . . . for this purpose cause the fixed settlement which shall be found there to be removed, and will give orders that the French fishermen shall not be incommoded in the cutting of wood necessary for the repair of their scaffolds, huts, and fishing boats."

The title of an Act of Parliament passed in 1782 in pursuance of this treaty was also pressed into the service of the French contention :

"An Act to enable His Majesty to make such regulations as may be necessary to prevent the inconvenience which might arise from the competition of His Majesty's subjects and those of the most Christian King in carrying on the fishery on the coasts of the island of Newfoundland."

No material alteration in the position took place from 1782 to 1792, and the Treaty of Peace of 1814 declared that "the French right of fishery at Newfoundland is replaced upon the footing upon which it stood in 1792."

On these documents a very simple issue arose. According to the English contention their cumulative effect was to give the French a concurrent right of fishery with themselves upon the coasts in question. It was maintained, on the other hand, by France that her subjects enjoyed an exclusive right of fishing along the so-called French shore.

It may be said at once that the course of English diplomacy was almost uniformly weak, and was in fact such as to lend no small countenance to the French contention. Thus, for many years it was the policy of the Home Government to discourage the colonists from exercising the right which was always alleged in theory to be concurrent. Nor did the Imperial complaisance end here. The French fishermen and their protectors from time to time put forward pretensions only to be justified by a revival of the sovereignty which was extinguished by the Treaty of Utrecht. Thus, they attempted systematically to prevent any English settlement at all upon the debatable shore. For residential, mining and agricultural purposes this strip would thus be withdrawn from colonial occupation. It is much to be regretted that these claims were not summarily repudiated. The Imperial Government, however, encouraged them by forbidding any grants of land along the area in dispute. Under these circumstances the theoretical assertion of British sovereignty by which the prohibition was qualified was not likely to be specially impressive. The islanders acquiesced in the decision with stolid patience, but, undeterred by the consequent insecurity of tenure, settled as squatters in the unappropriated lands. As recently as forty years ago their title was still unrecognized, and the presence of thousands of settlers with indeterminate claims had become a dangerous



grievance. In 1881 Sir William Whiteway, then Premier of the colony, paid a visit to England, and his powerful advocacy procured recognition for the title of the settlers to their lands, and brought them within the pale of the Queen's law.

The French shore cod fishery was recently so poor compared with the Great Bank fishery that French fishermen abandoned the former for the latter; and, in fact, but for a recent development of the French claim, it would have been possible to say of the whole question *solvitur ambulando*.

The development referred to sprang from the growing lobster industry along the French shore. In 1874 and the following years lobster factories were erected by British subjects on the French shore, in positions where there was no French occupation and there were no French buildings. Here there was no violation of the Treaty of Utrecht provision, for the French were in no way restrained from "erecting stages made of boards, and huts necessary and useful for drying of fish," nor was there any violation of the declaration annexed to the Treaty of Versailles, that "His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any way by their competition the fishery of the French during the temporary exercise of it which is granted them." The "fishing" which was not to be interrupted by competition was the fishery "which is granted to them," a limitation which throws us

back at once upon the language of the earlier treaties. Now it is indisputably clear that the only fishing rights granted to the French were concerned with codfish. The lobster industry was then unknown; and the language used, and in particular "the stages and huts necessary and useful for drying fish" spoken of, are applicable to codfish and not to lobsters, for the canning industry was only of recent date, and lobsters, moreover, are not dried. No fishery other than that of the codfish could then have been contemplated. That this must have been abundantly clear is apparent from the memoirs of M. de Torcy, one of the negotiators of the treaty, who uses throughout the expression "morue" (codfish)—the liberty stipulated was "pêcher et sécher les morues" (to fish and dry codfish). The French, however, not content with objecting to the presence of English factories, erected factories of their own, comprehending them, it must be presumed, within the description "huts necessary and useful for the drying of fish." They contended, furthermore, that their rights were a part of the ancient French sovereignty retained when the soil was ceded to England. Such a claim was inadmissible on any view of the treaties. In fact, there was much to be said for the view that no *exclusive* right of fishery of any sort was ever given to the French, in spite of the language of the celebrated Declaration. As Lord Palmerston wrote, some eighty years ago,

to Count Sebastiani, in his unambiguous way :  
 " I will observe to your Excellency, in conclusion, that if the right conceded to the French by the Declaration of 1783 had been intended to be exclusive within the prescribed district, the terms used for defining such right would assuredly have been more ample and specific than they are found to be in that document ; for in no other similar instrument which has ever come under the knowledge of the British Government is so important a concession as an exclusive privilege of this description accorded in terms so loose and indefinite. Exclusive rights are privileges which from the very nature of things are likely to be injurious to parties who are thereby debarred from some exercise of industry in which they would otherwise engage. Such rights are, therefore, certain at some time or other to be disputed, if there is any maintainable ground for contesting them ; and for these reasons, when negotiators have intended to grant exclusive grants, it has been their invariable practice to convey such rights in direct, unqualified, and comprehensive terms, so as to prevent the possibility of future dispute or doubt. In the present case, however, such forms of expression are entirely wanting, and the claim put forward on the part of France is founded simply upon inference and upon an assumed interpretation of words."

It was, in fact, as Lord Palmerston argued, a

perfectly open contention that on the authorities no exclusive right was ever given to the French, but the demeanour of this country had been such as to render the position difficult and unconvincing. We are, however, upon much firmer ground when we come to close quarters with the French claims to rights of lobster fishing. The claim was first clearly advanced in 1888, that none but Frenchmen were entitled to catch lobsters and erect preserving factories upon the French shore. This at once elicited an incisive English remonstrance, in deference to which French diplomacy had recourse to the evasion that the factories were merely temporary. They were not, however, removed, and finally in 1889 further remonstrances by Lord Salisbury were met with the bold contention that these factories were comprehended within the language of the treaties. The English Government met this *volte face* with a feeble proposal to resort to arbitration—a proposal which the islanders declined with equal propriety and spirit. The consequent position was vividly and faithfully stated by Sir Charles Dilke, in a passage which may be quoted in full :

“ Instead of protecting British fishermen in the prosecution of their lawful avocation, and resisting the new claim of the French, our Government, after failing to enforce the claim of the French, tried to go to arbitration upon it before a Court in which the best known personage was to have



been M. de Martens, the hereditary librarian of the Russian Foreign Office, whose opinion on such points was hardly likely to be impartial. Luckily, the French added a condition, the enormity of which was such that the arbitration has never taken place, and it may be hoped now never will.

“ While British officers were backed up by the Government in most arbitrary action on behalf of the French and against the colonists, the theory continued to be that the French pretensions were disputed by us. At the end of 1889 the Home Government sent for the Prime Minister of Newfoundland, who came to England in 1890. A *modus vivendi* was agreed to preserving such British lobster factories as existed, and the French Government agreeing that they would undertake to grant no new lobster-fishing concessions “ on fishing grounds occupied by British subjects,” whatever that might mean. But the limitation was afterwards explained away, and the *modus vivendi* stated to mean the *status quo*. The Colonial Government strongly protested against the *modus vivendi*, as a virtual admission of a concurrent right of lobster fishing prejudicial to the position of Newfoundland in future negotiation ; and there can be no doubt that the adoption of the *modus vivendi* by the British Government without previous reference to the colony, and against its wish, was a violation of the principle laid down by the then Mr Labouchere, when Secretary of State in 1857,

and by Lord Palmerston. Our Government deny this, because they expressly reserved all questions of principle and right in the agreement with the French, and that is so, of course ; but there can be no doubt about the effect of what they did.

“ By an answer given by an Under-Secretary of State in the House of Commons, the views of the Newfoundland Government were misrepresented, it being stated that they ‘ were consulted as to the terms of the *modus vivendi*, which was modified to some extent to meet their views, although concluded without reference to them in its final shape ’ ; but the Newfoundland Government insisted that the terms of the *modus vivendi* had not been modified in accordance with their views, as they had protested against the whole arrangement. The Home Government quibbled and said that the answer showed that the Newfoundland Government were not responsible for the *modus vivendi* as settled. Plain people, however, must continue to be as indignant as the colonists are at the misrepresentation and the breach of Mr Labouchere’s principle.

“ The terms of the *modus vivendi* accord to unfounded pretensions the standing of reasonable claims, and confer upon the French the actual possession and enjoyment of the rights to which these claims relate. Mr Baird refused to comply with the *modus vivendi*. Sir Baldwin Walker, commanding on the coast, landed a party of blue-

jackets in 1891, and took the law into his own hands against Mr Baird, was sued for damages, and twice lost his case.<sup>1</sup> There had existed an Imperial Act under which Sir Baldwin Walker might have been protected, but it had been repealed when self-government was granted to Newfoundland. In the same year of 1891 a Newfoundland Act was passed, under heavy pressure from the Home Government, compelling colonial subjects to observe the instructions of the naval officers to the extent of at once quitting the French shore if directed, and the Act was to be in force till the end of 1893. The Home Government had passed a Bill through the House of Commons, and dropped it, before it received the Royal assent, only after the Prime Minister of Newfoundland had been heard at the bar of both Houses and had promised colonial legislation. The French Government have insisted that a British Act should be passed; and Lord Salisbury, while declaring that there ought to be a permanent Colonial Act, has always refused to promise a British Act. To my mind, the Newfoundland people went too far in giving up their freedom by passing the Act which I have named, an Act to which, had I been a member of the Newfoundland Legislature, nothing would have induced me to consent; and my sympathies are entirely with the Newfoundlanders in their refusal

<sup>1</sup> [See *Baird v. Walker*, Law Reports, 1891, Appeal Cases, p. 491.]

to part with their freedom, for all time, by making so monstrous a statute permanent."

The *modus vivendi* treaty was periodically renewed by the Colonial Legislature with a submissiveness which would have seemed excessive if they had not been pressed with the shibboleth of Imperial interest. At the same time, signs of restiveness were not wanting. The complaints of the Newfoundlanders became more frequent, more insistent, and more emphatic. They pointed out that the French virtually claimed a monopoly of an 800-mile shore, which was entirely British of right, that in consequence they interfered with the development of the mining industry, and the extension of railways, and that thereby they were seriously hampering the progress of the colony. The case put forward by the colonists was historically strong, and there was much to be said for the contention that they were entitled to everything they claimed: on any view they could rightly complain of a cruel injustice, so long as the indolence or incompetence of English diplomacy suffered a debatable land to survive in the teeth of an undebatable argument.

In August, 1898, at the request of the Newfoundland Government, a Royal Commission was appointed by Mr Chamberlain, and sent out the following year, for the purpose of inquiring into the whole question of French treaty rights. A good deal of evidence was given by local colonists



of acts of French aggression, and of consequent injury in person and property. But the report remained unpublished. Such aggression was in keeping with the instructions issued in 1895 by the French Premier and Foreign Minister to the commanders of the French warships on this station : " To seize and confiscate all instruments of fishing belonging to foreigners, resident or otherwise, who shall fish on that part of the coast which is reserved for our use "—instructions that amounted to an arbitrary assertion of territorial sovereignty. And yet the actual interests of France were very meagre : thus in 1898, on a coastline where some 20,000 Newfoundlanders were settled in 215 harbours, there were only 16 French stations and 458 men on the 800-mile shore ; in 1903 only 13 stations and 402 men.<sup>1</sup>

In 1901 when the vexed question came once again before the Newfoundland Legislature, the Government declared that in renewing the *modus vivendi* for the following year, they did so only in consideration of the obstacles then in the way of the Imperial Government to securing a satisfactory settlement of the whole matter.

In 1904 the Newfoundland Government refused to relax the Bait Law any more ; and France then consented to enter into the notable agreement, which once for all abolished the inveterate grievances and difficulties arising out of the

<sup>1</sup> M'Grath, *op. cit.*, p 149.

"French shore" question. In consideration of certain territorial privileges in West Africa, France agreed to relinquish her rights as to landing and drying fish on the treaty shore, which had been recognized by the Treaty of Utrecht. French subjects injured by this arrangement were to receive such compensation from Great Britain as would be awarded by a tribunal consisting of one representative of each contracting party, assisted by an umpire if necessary. The French were to enjoy the same rights as British subjects of fishing on the coast generally, and were permitted to take bait, which they had been forbidden to do by the Newfoundland Act of 1886. This convention did not affect the applicability of local law as to bait in regard to the non-treaty coast.

Newfoundland was satisfied with this change. After the ratification of the agreement, the new Governor, Sir William MacGregor, telegraphed to Mr Lyttelton, the Minister for the Colonies, asking him to convey to the King the people's acknowledgment of the "great boon" conferred by the Convention, which His Majesty was chiefly instrumental in initiating, and to the British Government for having safeguarded the interests of the colony in negotiations involving so many difficulties. That this view represented that of the population at large was shown by the return to office (October) of Sir Robert Bond and his colleagues with a very strong majority.

Soon afterwards an *entente cordiale* was established between Newfoundland and the French colony of St. Pierre and Miquelon.

Thus, "the Anglo-French chapter—some four centuries long—closed; and the lobster, which darkened its closing paragraphs, ceased to be a force in history."<sup>1</sup>

<sup>1</sup> Rogers, *op. cit.*, p. 225.

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